JOURNAL

OF THE

SENATE

OF

STATE OF ALABAMA

REGULAR SESSION OF 1961

HELD IN THE CITY OF MONTGOMERY
COMMENCING TUESDAY, MAY 2, 1961



VOL. III

WITH AN INDEX PREPARED BY THE
SECRETARY OF THE SENATE

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REGULAR SESSION

JOURNAL

OF

THE SENATE

OF THE

STATE OF ALABAMA

REGULAR SESSION OF 1961

THIRTY-THIRD LEGISLATIVE DAY

TUESDAY, AUGUST 29, 1961

The Senate met pursuant to adjournment, Lieutenant Governor Boutwell presiding.

PRAYER

The session was opened with prayer by Honorable Robert R. Berryman, Senator, Second Senatorial District.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt

—35

JOURNAL

On motion of Mr. Godfrey, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

Yeas 23; Nays 10.

Yeas:

Messrs.:	Clark	Eddins	Godfrey
Andrews	Cooper	Farmer	Golson
Barnett	Crawford	Givhan	Graham

Green	Kendall	Porter	Samford	
Hines	Leonard	Robison	Shelton	
Jones	Moses	Rutledge	Turner	
				—23

Nays:

Messrs.:	Caffey	Haltom	Word	
Archer	deGraffenried	Roberts	Wyatt	
Berryman	Dumas	Wilson		—10

CALL FOR REGULAR ORDER

Mr. Dumas called for the Regular Order of the Senate, S. B. 400, with pending Committee substitute.

Mr. Turner requested a Ruling from the Chair as to whether House Messages take precedence over Unfinished Business.

The Chair Ruled that House Messages were not in order pending disposition of S. B. 400.

APPEAL FROM RULING OF THE CHAIR

Mr. Turner appealed from the Ruling of the Chair, and the Ruling of the Chair was not sustained by the Senate.

Yeas 18; Nays 15.

Yeas:

Messrs.:	Eddins	Jones	Robison	
Andrews	Gaither	Kendall	Rutledge	
Barnett	Givhan	Leonard	Samford	
Clark	Golson	Moses	Turner	
Cooper	Graham	Porter		—18

Nays:

Messrs.:	Crawford	Godfrey	Roberts	
Archer	deGraffenried	Green	Shelton	
Berryman	Dumas	Haltom	Word	
Caffey	Farmer	Hines	Wyatt	
				—15

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the bill:

H. 244. To divide the state of Alabama into eight Congressional districts:

Said Governor's message proposing the amendment being in words and figures as follows:

MESSAGE FROM THE GOVERNOR

To the House of Representatives

State Capitol

Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, returning House Bill No. 244, as amended, with a suggested Executive Amendment.

Respectfully submitted,

JOSEPH G. ROBERTSON,

Executive Secretary.

AUGUST 25, 1961

To the House of Representatives

State Capitol

Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, House Bill No. 244, as amended, with the following suggested Executive Amendment:

Substitute the following for House Bill 244, as amended:

"A BILL

TO BE ENTITLED

AN ACT

To regulate further primary elections held for the purpose of nominating candidates for election as representatives in Congress.

Be It Enacted by the Legislature of Alabama:

Section 1. If any political party holds primary elections for the purpose of nominating candidates for election as representatives in the Congress of the United States from Alabama, in 1962, or at any time thereafter until the state is redivided into eight congressional districts, such elections shall only be held as provided in this Act.

Section 2. On the day of the first primary election held in May 1962, and every two years thereafter, until the state is redivided into eight congressional districts, a candidate for election as representative in Congress may be named by vote of the qualified electors of each of the nine congressional districts described in Code of Alabama 1940, Title

17, Section 426. The name of the candidate receiving the largest number of votes in the district shall be certified by the chairman of the state executive committee of the party holding the primary to the probate judges of the several counties of the state, who shall cause the names of such candidates as so certified to be placed upon the ballots or voting machines to be used in a statewide runoff primary election, which shall be held on the fourth Tuesday next following the date of the first primary. The names of the eight candidates receiving the highest number of votes cast in the statewide runoff primary shall be certified by said state chairman to the secretary of state as the party's nominees for election to Congress at the ensuing general election. Every voter who votes in the runoff primary must vote for eight and only eight of the candidates whose names appear on the ballots; provided, however, that if the Congress, at the present session or the next session, authorizes nine (9) members of Congress for Alabama, then this bill shall have no force nor effect and the present nine (9) congressional districts in Alabama shall remain as they are now situated.

Section 3. Except as otherwise provided in this Act, primaries held for the purpose of nominating candidates for election as representatives in Congress shall be conducted in the same way and according to the same laws as prescribed for conducting other primaries.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

In a message to the Legislature last May I urged enactment of a congressional redistricting bill which would be fair to the people of every county and section of Alabama. In my considered judgment, House Bill 244, as amended, which dissects Jefferson County into four parts and deprives our most heavily-populated area of direct representation in Congress is not a fair and equitable answer to the redistricting problem.

It is the fundamental duty and obligation of the governor to serve and promote the best interests of our entire state. Because I am convinced that House Bill 244, as amended, is injurious and unfair, not only to Jefferson County, its multiple thousands of industrial workers and its great productive enterprises, but to the people of Alabama as a whole, I am returning it without my approval for the following reasons:

1. Redistricting has been necessitated by the loss of population during the last decade in some Alabama sectors; yet House Bill 244, as amended, goes to the center of growth and economic development, destroys a congressional district which has greatly increased in population, and penalizes that area for its progress.

2. This bill would be interpreted, in and out of Alabama, as creating an unfavorable industrial climate calculated to work irreparable injury upon our state for years to come. Needed industries would regard it as an unfriendly legislative act toward prospective creators of plants and payrolls. The effect on our industrial workers, many of whom now are in need of jobs, could be catastrophic.

3. Historically, our Legislature has respected and protected our 67 counties as political entities. Never has an Alabama county been partitioned except by consent. This bill would destroy that basic tradition and establish a dangerous precedent for the future. I would unhesitatingly go to the assistance of any county in Alabama if that county were the victim of detrimental legislation.

4. Admittedly, any county in this state or in any state of the United States with sufficient population might conceivably and justifiably be divided into more than one congressional district. But to divide a single county, having enough population to warrant a congressional district of itself and in fact being the most populous county and congressional district in the state, into four separate parts and parceling these out to surrounding congressional districts so as to divest the citizens of that county of direct representation in Congress, is to me unthinkable, unwise, above all wrong, and therefore unconstitutional, when considered from the standpoint of constitutional government in its larger concept.

5. Growing areas should not be required to take the brunt of this redistricting program. This is not the democratic way to settle the problem. It is inconsistent with the sense of fair play which all Alabamians share. To deny the people of our most populous county a concerted voice in a congressional district is illogical, unwarranted, punitive and unjust.

6. I believe that House Bill 244, as amended and passed, would have wide-flung repercussions tending to divide our people, retard our steady economic advance and jeopardize the harmony, cooperation and friendly understanding now existing between the people of all of our counties.

I submit for your consideration the above executive amendment to House Bill 244, which, if adopted, will prevent injustice and harm to our state and approach the problem in a way that is democratic and eminently fair to every member of our splendid congressional delegation and to the people of every county in the State of Alabama.

On the first day of this Regular Session of the Legislature, May 2, 1961, I appeared before you and stated to you that we had serious problems facing us in this session. One of the problems which I had in mind at that time was the congressional redistricting of the State. I stated to you that we must do everything that we possibly can to better serve every citizen of Alabama. I further stated, and I quote, "It is our duty to lay aside personal desires, political aspirations, and feelings of regionalism so that we may discharge our duties in a manner that will merit the confidence of all Alabamians." House Bill 244, as amended, in my opinion, was not motivated in the best interest of all of our citizens, but on the other hand was motivated by personal desires, political considerations and feelings of regionalism. As you know, I did not take part in the deliberations of the Legislature while this bill was under consideration before your bodies. However, realizing that it is the duty of the Governor of Alabama to represent all of the citizens of our state no matter who they are or where they live, I cannot conscientiously allow a bill to become law without my signature or to sign a bill into law which has been so motivated.

Adoption of the above suggested amendment will remove my objections to the bill and resolve this problem in a democratic manner by giving the people themselves a direct voice in the matter. With adjourn-

ment almost at hand, I recommend this as the best way, under the circumstances now existing, to deal with the issue on a basis of democratic action and fair play at this time. The people of Alabama, always noted for their fairness, can be depended upon to render a just verdict and judgment.

Respectfully,

JOHN PATTERSON,

Governor.

And the House has non-concurred in the amendment proposed by the Governor to the Bill, H. 244. And the House proceeded to reconsider the bill, and the bill, H. 244, was again read at length and a majority of the whole number elected to the House voted for the passage of the bill, the vote for the passage of said bill being Yeas 61, Nays 35; and the bill was passed by such vote which was a majority of the whole number elected to the House.

And said bill, together with the Governor's message, is herewith sent to the Senate.

OAKLEY MELTON, JR.,

Clerk.

HOUSE AND GOVERNOR'S MESSAGE

The Bill, H. B. 244, together with the amendment proposed by His Excellency, the Governor, the title of which said Bill and the proposed Executive Amendment is set out in the foregoing Message from the House, was read and was referred by the President and Presiding Officer of the Senate to the Standing Committee on Rules.

RECESS

At 12:59 A.M., Mr. Turner moved that the Senate take a recess until 1:15 A.M., which was adopted.

Yeas 21; Nays 11.

Yeas:

Messrs.:	Eddins	Graham	Moses	
Andrews	Farmer	Green	Porter	
Barnett	Gaither	Jones	Robison	
Clark	Givhan	Kendall	Shelton	
Cooper	Godfrey	Leonard	Turner	
Crawford	Golson			—21

Nays:

Messrs.:	Caffey	Haltom	Samford	
Andrews	deGraffenried	Hines	Word	
Berryman	Dumas	Roberts	Wyatt	
				—11

The recess period having expired, the Senate was called to order by Lieutenant Governor Boutwell, President and Presiding Officer.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt

—35

VICE-CHAIRMAN OF RULES COMMITTEE REQUESTS PERMISSION TO MAKE REPORT

Mr. Givhan, Vice-Chairman of the Standing Committee on Rules, addressed The Chair for the purpose of making a report from the Standing Committee on Rules.

Mr. Dumas objected to the request on the grounds that the Chairman of Rules Committee is now present in the Senate Chamber and made the statement to the Senate that he had not refused to call a meeting of the Standing Committee on Rules and further that he does not have a report at this time.

Mr. Dumas, therefore, asserted that under Rule 54½, the Vice-Chairman of Rules Committee had no authority to call such a meeting (notice of which said meeting is set out at length in the Journal of the Senate for the Thirty-Second Legislative Day) and no authority to make a report.

Mr. Turner requested that the Senate receive the report of the Vice-Chairman of Rules for the reason that Rule 54½ was made for the purpose of allowing a majority of a Committee to make a report, and that the Vice-Chairman of the Rules Committee has this right at the present time.

Mr. Dumas stated that the Chairman of Rules Committee is now present in the Chamber and Mr. Dumas objected to The Chair recognizing in any way, shape, fashion or form the Vice-Chairman of the Rules Committee, as such, with relation to a report from Rules.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business of yesterday, which was the Bill:

S. 400. To amend Sections 6, 14, 16, 19 and 20 of Act No. 576, Acts

of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

The question was on the substitute offered by the Standing Committee on Forestry and Conservation, which said substitute is set out at length in the Journal of the Senate for the Thirty-Second Legislative Day.

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Caffey, further consideration of the bill, HB 1078, was indefinitely postponed by the Senate.

BILLS ON THIRD READING

The Bill:

H. 1088. To create the Madison County Coliseum Administration Board; to prescribe its duties; to prescribe the manner of selecting and compensating the board; to make provision for the members of the board to furnish a bond; to make provision for the appointment and compensation of a coliseum manager and other employees and to authorize appropriations by the county governing body.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Archer	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			

—24

Nays: —0

The Bill:

H. 1241. To abolish the Cullman County Hospital Administration Board and create in lieu thereof the Cullman County Hospital Board to operate and maintain the hospital owned jointly by the County of Cullman and the City of Cullman; to provide for the appointment and prescribe the compensation and duties of members of the board; to provide for the election of a chairman of the board and prescribe his duties; to authorize the board to hire an administrator of the hospital and regulate his duties; to regulate the operation of the hospital; to authorize the City of Cullman and the County of Cullman, in the month following any month in which the hospital records show that the operating expenses of the hospital exceed its income, to make appropriations, within a prescribed limit, to cover the deficit.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1094. To create the Madison County Coliseum Administration Board; to prescribe its duties; to prescribe the manner of selecting and compensating the board; to make provision for the members of the board to furnish a bond; to make provision for the appointment and compensation of a coliseum manager and other employees and to authorize appropriations by the county governing body.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1306. To propose a constitutional amendment relative to levying additional taxes in Chilton County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1308. To provide additional revenue in Cullman County; authorizing the Court of County Commissioners, Board of Revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as heretofore or hereafter amended or supplemented; and to provide for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax; and for the enforcement of this Act; and to prescribe penalties and fixing punishment for any violation of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 584. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 110,000 nor

more than 150,000, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

S. 585. To revise and amend Act No. 658, H. 1030, approved November 21, 1959, providing for a privilege, license, or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes, so as to provide for collection and enforcement of the tax by local officers instead of the state department of revenue; authorizing the county governing body to adopt rules, regulations, and orders governing collection and enforcement of the tax and to prescribe penalties for violations of such rules, regulations, and orders.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Archer	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

S. 588. To provide for additional suit fees in certain cases brought in circuit courts of counties having populations of not less than 14,400 nor more than 14,900.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 593. To create the office of commissioner of licenses in counties in Alabama having a population of not less than ninety five thousand (95,000) people and not more than one hundred fifteen thousand (115,000) people, according to the last and any subsequent decennial Federal census; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him, to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 633. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

Was read a third time at length and passed, and ordered sent forth-

with to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 634. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 976. Fixing the compensation of the chairman of the board of revenue, court of county commissioners or other like county governing body in all counties having populations of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Caffey	Cooper	deGraffenried
Berryman	Clark	Crawford	Farmer

Gaither	Green	Porter	Webb
Givhan	Kendall	Roberts	Wilson
Godfrey	Leonard	Robison	Word
Golson	Moses	Turner	Wyatt
Graham			—24

Nays: —0

The Bill:

H. 1289. To provide an allowance for expenses to the circuit solicitors of circuits composed of three counties having a combined population of more than 100,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1290. Authorizing counties having a population of not less than 60,000 nor more than 62,500 and not less than 36,000 nor more than 37,500, according to the last or any subsequent federal decennial census, and the municipalities within such counties, either singly or jointly, to create Airport Authority Boards; providing for the selection of the members of such boards, and prescribing their qualifications and terms; and providing for the organization, jurisdiction, powers and duties of such boards.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Golson	Moses
Andrews	Eddins	Haltom	Rutledge
Archer	Farmer	Hines	Samford
Barnett	Gaither	Jones	Shelton
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark			—24

Nays: —0

The Bill:

H. 1325. To establish the maximum rate which newspapers in all counties having populations of not less than 57,000 nor more than 61,000, according to the 1960 or any subsequent federal decennial census, may charge and which an individual, officer, municipality, county, the State, a governmental subdivision, or any other legal entity may pay for the publication of legal notices, advertisements, publications, statements, or other matter required by law or rules or orders of courts to be published in newspapers.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Hines	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1326. Relating to Morgan County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in the Morgan County Jail by the Sheriff.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Berryman	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1327. To provide for the feeding and care of certain county prisoners of Morgan County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the Board of Revenue and Control or like governing body of Morgan

County, Alabama, in carrying out the provisions of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1328. To amend Section 2 of Act No. 280, H. 739, approved October 9, 1959, entitled "An Act to authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama" (Acts of Alabama 1959, vol. 1, p. 842).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1329. For the relief of Mrs. Ruby McNutt as compensation for the death of her husband, Elbert McNutt, deceased, of Morgan County, Alabama, as the result of injury received while he was in the line of and performing his duties as road employee of Morgan County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Barnett	Crawford	Eddins
Andrews	Berryman	deGraffenried	Farmer
Archer	Cooper	Dumas	Golson

Graham	Jones	Robison	Shelton
Green	Porter	Rutledge	Word
Haltom	Roberts	Samford	Wyatt
Hines			—24

Nays: —0

The Bill:

H. 1330. To abolish the fine and forfeiture fund in the county treasury of Morgan County; to provide for the payment of all fines and forfeitures collected into the general fund of said county; to provide for the payment of certain claims from the general fund of said county in lieu of the fine and forfeiture fund.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1331. For the relief of W. O. Dixon; authorizing the Board of Revenue and Control or like governing body of Morgan County, Alabama, to make an appropriation out of the General Fund of the county treasury to compensate W. O. Dixon for certain damages.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

S. 587. To alter, rearrange and extend the boundary lines of the

Town of Pisgah, Jackson County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Farmer	Green	Robison	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1343. Relating to the compensation of members of boards of directors of certain municipal corporations in cities having populations of not less than 6,500 nor more than 8,500 according to the most recent federal decennial census; amending further Section 402 (17) of Title 37, Code of Alabama 1940.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1312. To amend Section 1 of Act No. 23, H. 3, Second Special Session 1955, an act relating to the Nineteenth Judicial Circuit and authorizing the circuit solicitor to appoint a stenographic secretary.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Jones	Samford
Barnett	Farmer	Moses	Wilson
Clark	Gaither	Porter	Word
Cooper	Givhan	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1224. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes in Clay County.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

S. 636. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

S. 637. To amend Act No. 132, H. 112, approved September 21, 1958, an act regulating further the taking of catfish in Pickens County by the use of baskets, providing for the payment of a privilege license tax for such use of baskets (Acts of Alabama 1959, vol. I, p. 654), so as to allow the use of revenues derived from the sale of such licenses for improving public parks in the county in addition to present uses.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 638. To alter, rearrange and extend the boundary line and corporate limits of the municipality of the Town of Reform in PICKENS COUNTY, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Moses	
Andrews	Eddins	Haltom	Rutledge	
Archer	Farmer	Hines	Samford	
Barnett	Gaither	Jones	Shelton	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark				—24

Nays: —0

The Bill:

S. 641. To alter, re-arrange and extend the boundaries of the Town of Maplesville.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 642. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 644. To alter, rearrange and extend the boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, so as to annex certain territory to the town.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Moses	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark				—24

Nays: —0

The Bill:

S. 646. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering and a lien of its judgments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 647. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: 0

The Bill:

S. 649. Relating to Mobile County; withdrawing and taking away from Justices of the Peace and Notaries Public ex officio jurisdiction of all criminal and quasi-criminal cases; providing that said justices may

exercise civil jurisdiction granted them by the general laws of Alabama, except the jurisdiction and power to issue process of garnishment pending suit; providing penalties for issuing or attempting to issue process in violation of the provisions of this Act and repealing conflicting laws, particularly Act No. 12, H. 11, approved March 23, 1955, (General Acts of Alabama, 1955, Vol. I, page 121).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

S. 651. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the City.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Rutledge
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1317. To fix the compensation of election officers in all general, special, municipal and primary elections held in counties which now have, or which may hereafter have, a population in excess of 500,000 according to the last or any subsequent Federal decennial census; to provide for election workers in elections held to extend the boundary lines of any city or town within such counties and to prescribe their duties; and to provide that this act shall be supplemental to Act No. 694 of Acts of the 1957 Regular Session.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Andrews	Farmer	Jones	Webb	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 652. To authorize and make provision for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such

pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Archer	Gaither	Haltom	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			

—24

Nays: —0

The Bill:

S. 653. To apply in counties having a population of 500,000 or more according to the last or any succeeding decennial Federal census, to provide for emergency absentee ballots and emergency absentee voters lists for particular elections in such counties, the procedure for being listed on such list and for obtaining and voting such ballots, the duties to be performed by the Board of Registrars of such County in connection therewith and penalties for making a false affidavit or statement to obtain an emergency absentee ballot.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Webb	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 658. To repeal Act No. 281, H. 514, Regular Session 1961, entitled "To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

S. 635. To amend the title and Sections 1, 3, 5, 9 and 10 of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949, page 827 et seq.) entitled "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from

the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as heretofore amended.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Givhan	Leonard	Webb
Barnett	Godfrey	Moses	Wilson
Caffey	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

S. 662. To fix the compensation or salaries of tax assessors and tax collectors in counties of 500,000 inhabitants, or more, according to the last or any subsequent federal census; and to require such officers to pay in to the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

S. 660. To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark			—24

Nays: —0

The Bill:

S. 661. Relating to counties having a population of not less than 500,000 inhabitants according to the 1960 or any subsequent federal decennial census; providing further for elections in such counties by authorizing and providing for the use of paper ballots at certain voting places.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

S. 663. To regulate the trials of Civil Cases in Jefferson County and to increase the jurisdiction of the Jefferson County Civil Court and to increase the compensation of the Judges of said court.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Jones
Andrews	deGraffenried	Graham	Moses
Archer	Dumas	Green	Porter
Barnett	Eddins	Haltom	Roberts
Cooper	Farmer	Hines	Robison

Rutledge	Shelton	Word	Wyatt	
Samford				—24

Nays: —0

The Bill:

S. 664. To amend Act No. 530, H. 1096, Regular Session 1959, an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1238. Relating to Colbert County; fixing the compensation of the chairman of the board of revenue, court of county commissioners, or other like governing body of Colbert County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1239. Relating to Colbert County; fixing the compensation of members, other than the chairman, of the board of revenue, court of county commissioners, or other like governing body of Colbert County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Golson	Moses	Shelton
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1240. To vacate and annul as a public street, thorough-fare, avenue or public way and to divest and terminate the right of the public and the City of Muscle Shoals, Alabama, to use as a street, thoroughfare, avenue or public way that part of Worthington Avenue, Barry's Business Centre, Block "A" City of Muscle Shoals, Alabama, Colbert County, Alabama, lying between the easterly boundary of Burrough Avenue and the westerly boundary of Fords Way; also that part of said Worthington Avenue lying between the eastern boundary of Fords Way and the western boundary of Edison Avenue and also all that part of said Worthington Avenue lying between the eastern boundary of Edison Avenue and the west boundary of Firestone Avenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

S. 665. To alter, rearrange and change the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Archer	Cooper	deGraffenried
Andrews	Barnett	Crawford	Dumas

Eddins	Haltom	Roberts	Shelton
Farmer	Hines	Robison	Webb
Golson	Porter	Rutledge	Word
Graham	Jones	Samford	Wyatt
Green			

—24

Nays: —0

The Bill:

H. 1077. To repeal Act No. 343, H. 540, approved June 30, 1943, an act relating to the issuance of building permits and applying in certain counties classified on a population basis (Gen. Acts 1943, p. 324).

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill, to-wit:

AMENDMENT TO H. B. 1077

Amend said bill by striking therefrom Section 2 and substituting in lieu thereof the following:

"Section 2. This Act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

—24

Nays: —0

And said bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

—24

Nays: —0

REPORTS OF COMMITTEES

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1390. To impose extra, new, and additional duties upon the members of the court of county commissioners, board of revenue, or other like governing body of Elmore County, and to provide additional compensation for the performance of such duties.

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1387. To amend Act No. 7, H. 62, Regular Session 1911, an act requiring the board of education of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 8).

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1389. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1388. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1386. To amend Act No. 10, H. 61, Regular Session 1911, an act requiring the commissioners' court of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 11).

By Messrs. Pierce, Bailey, Goodwyn, Goldthwaite:

H. 1384. To provide for the appointment, duties, qualifications, term, compensation and assistant of the coroner in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

By Messrs. Johnston (Leonard) and Johnson (Hardaway) (with notice and proof):

H. 1385. Relating to Elmore County; levying a license tax on persons and others engaged in selling tangible personal property at retail and on persons and other conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transac-

tions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid, providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

By Messrs. Goodwyn, Pierce, Bailey and Goldthwaite (with notice and proof):

H. 1396. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, and 32, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

By Messrs. Goodwyn, Goldthwaite, Bailey and Pierce (with notice and proof):

H. 1397. To alter rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 15 and 22, Township 16 North, Range 18 East, Montgomery County, Alabama.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and order same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Murphy et al (with amendment):

H. 1456. To propose and provide for the submission of an amendment to the constitution of Alabama providing for the levy and collection by Mobile County of a special tax, not exceeding three mills on each dollar of taxable property in the county, for public hospital purposes; providing for elections on the levy of the tax and, after a specified period on the discontinuance of the tax or reduction of its rate; providing for disposition of the proceeds from the tax; authorizing Mobile County Public Hospital Board, a public corporation, to anticipate the proceeds from the special tax by issuance of its securities and to make pledges with respect thereto; providing that any securities issued by the said corporation shall not constitute debts of Mobile County within the meaning of Section 224 of the Constitution or bonds of said county or of a political subdivision thereof, within the meaning of Section 222 of the constitution; providing for reduction of the rates of taxation permitted by the consti-

tution to Mobile County and the municipalities therein when the special tax is being levied and collected; and prohibiting under certain conditions appropriations to said corporation by Mobile County and the municipalities therein.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Trimmier (with amendment):

H. 160. To repeal Act No. 343, H. 540, approved June 30, 1943, an act relating to the issuance of building permits and applying in certain counties classified on a population basis (Gen. Acts 1943, p. 324).

By Mr. Murphy et al (with amendment):

H. 1451. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing and directing Mobile County Public Hospital Board, a public corporation, to prepare a budget for each fiscal year setting forth certain anticipated expenditures and receipts of the said public corporation and to apportion any deficit in said budget among Mobile County and each municipality therein having a population of more than 1,000 according to the last federal census or any subsequent official census; providing that any assessments so made shall constitute debts of said county and said municipalities collectible by the said public corporation by suit or action but shall not constitute debts of the said county and municipalities within the meaning of sections 224 and 225 of the said constitution; providing that if a special ad valorem county tax for public hospital purposes shall be voted in Mobile County, the power of the said public corporation to make and collect such assessments shall terminate within a specified period thereafter; authorizing the legislature by local or special legislation and without compliance with Section 106 of the constitution to specify the character and maximum capacity of the hospital facilities with respect to which any budget may be prepared by the said public corporation under said amendment; validating all actions of Mobile County Hospital Board created and provided for by Act No. 105 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended; providing for and validating the transfer by the latter board of all of its assets, contracts, properties, obligations and liabilities to the said public corporation and the assumption of all thereof by the said public corporation; providing for the dissolution of the said board created and provided for in the said Act No. 105, as amended; and providing that bonds and other securities issued by the said public corporation shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 or debts of any of said municipalities within the meaning of Section 225 of the constitution and shall not constitute bonds of said county or a subdivision thereof within the meaning of Section 222 of the constitution.

The above bill was read a second time at length as required by the Constitution.

By Mr. Murphy et al (with amendment):

H. 1453. To amend Sections 3, 4 and 6 of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama so as to permit the governing body of any county having a population of 225,000 according to the last or any subsequent federal census to require, in the resolution consenting to the organization under said act of a public corporation for

hospital purposes, (a) that the board of directors of such public corporation shall consist in part of directors elected by the governing body of the county and in part of directors elected by municipalities in the county that fall within population classifications specified in the said resolution, (b) that the number of the said directors and their terms of office shall be as specified in said resolution, (c) that the said public corporation shall accept the transfer to it and assume the assets, properties, obligations and liabilities of any incorporated or unincorporated public board or body, designated by the said governing body in said resolution, that may have been theretofore organized or attempted to be organized in the county for public hospital purposes; and (d) that upon the happening of any contingency specified in said resolution, the directors of the said public corporation shall thereafter be elected, in specified number and for specified terms, by the governing body of the county from persons nominated in the manner provided in said resolution; so as to provide that the certificate of incorporation of any public corporation organized pursuant to authorization in any resolution containing any of said requirements shall comply with the said resolution and that any such public corporation when organized shall comply with the provisions of the said resolution respecting the transfer and assumption of assets, properties, contracts, obligations and liabilities; and so as to permit the governing body of any such county to provide in the said resolution that any director of a public corporation organized pursuant to said resolution may be a member of the governing body that elects him as director.

By Mr. Murphy, et al (with amendment):

H. 1454. To authorize any county having a population of more than 225,000 according to the last or any subsequent federal census and any municipality located wholly or partly within any such county to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between any such county or municipality and any such public hospital corporation whereunder such corporation will agree to make available hospital space to inhabitants of the municipality or county, and whereunder the municipality or county will agree to make monthly or annual payments to such corporation of either specified sums or a portion of any deficit in the corporation's annual budget; to provide that any amounts payable by any such county or municipality under any such agreement may be made payable solely from current revenues received during the fiscal year in which such amounts are payable; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and order same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Trimmier and Murphy (with notice and proof):

H. 1366. To alter, rearrange, and add to the limits of the City of Saraland, Alabama, and to alter and rearrange the limits of the City of

Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama and adding same to the limits of the City of Saraland, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Saraland, Alabama.

By Mr. Murphy, et al:

H. 1268. To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraiser appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property; to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act.

By Mr. Engel, et al (with notice and proof):

H. 1363. To amend Section 2 of an act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1943, page 59 of the Local Acts of 1943, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

By Mr. Engel, et al (with notice and proof):

H. 1447. For the relief of A. F. Harvey and Alice G. Harvey, a co-partnership, doing busines as Mobile Bonding Company, of Mobile, Alabama.

By Mr. Engel:

H. 1364. Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including

students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same herewith returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Murphy, et al (with substitute):

H. 1457. To specify the character and size of the public hospital facilities with respect to which items of expenditure may be included in annual budgets prepared pursuant to the provisions of the Constitutional Amendment proposed by that certain Act adopted at the 1961 Regular Session of the Legislature that was introduced in the said legislature as S. B. ____.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Engel (with notice and proof):

H. 1365. Relating to the City of Mobile, Alabama; to provide for the creation of the Mobile Tree Commission, to provide for the membership of such Commission, and the method of appointment and term of such commissioners; to provide the officers of the Commission; to provide the powers, duties and obligations of the Commission; to provide that no person shall cut, trim, or in any way damage any tree in any street right-of-way in the City of Mobile without prior written approval by the Commission; to provide that any violation of this Act shall be a misdemeanor and to provide the penalty for such violation and to provide for appeal from the decisions of the Commission.

By Mr. Adams (with notice and proof):

H. 1393. To further amend Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan", as last amended by Act No. 154, approved September 21, 1959.

By Messrs. Solomon and Chambers (with notice and proof):

H. 1419. To alter or rearrange the boundary lines of the City of Abbeville, Henry County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Henry County, Alabama.

By Mr. Turner (with notice and proof):

H. 1379. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to special judges who serve in the absence of the judge of the court.

By Mr. Broadfoot (with notice and proof):

H. 1163. To Amend Sections 4, 6, 8, 9, 23, 28, 29, and 33 of an Act entitled An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for trial tax and other fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said court; to provide for an official court reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931, as amended by Act approved July 7, 1947, and as further amended by Act approved May 30, 1951.

Mr. Haltom, Chairman of the Standing Committee on Fish and Game, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Murphy, et al:

H. 1130. To amend Section 155, Title 8, Code of Alabama 1940, which requires licenses for certain shrimp catchers' boats, so as to reduce the license fee for certain size boats.

By Mr. Murphy, et al:

H. 1131. To amend Section 3 of Act No. 632, page 1538, Acts of Alabama 1959, Regular Session, entitled "An Act Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions."

By Mr. Murphy, et al:

H. 1139. To amend Title 8, Section 132, Code of Alabama, which relates to the taking of seed oysters; to impose additional duties upon the Director of the Department of Conservation.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Rozelle (with notice and proof):

H. 1245. To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the

City of Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city: and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the methods or procedure for collecting such taxes and remitting the proceeds thereof.

By Messrs. Gross and Cabiness (with notice and proof):

H. 1254. To amend further an act approved November 4, 1950 entitled "An Act To Create a Board of Revenue for Jackson County, providing its powers and duties and for compensation of its members; prescribing penalties for violations of this Act; and abolishing the court of County Commissioners of Jackson County" (Acts of Alabama 1950-51, Vol. 1, p. 126).

By Messrs. McLendon (Bullock) and Powell:

H. 1344. Proposing an amendment to the Constitution authorizing the court of county commissioners, board of revenue, or like governing body of Bullock County to levy additional license taxes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Ingram (with notice and proof):

H. 1346. Relating to the levy of additional taxes for certain purposes in Clay County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

By Mr. Steagall:

H. 1352. To provide expense allowances for county superintendents of education of all counties having populations of not less than 31,000 nor more than 32,000.

By Mr. Ray (with notice and proof):

H. 1354. To provide additional revenue for educational purposes and for general county revenue purposes in Winston County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes similar to state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; specifying sales and transactions that are exempt from the tax; specifying property, the use, storage or other consumption of which is exempt from the excise tax; providing for collection and enforcement of such taxes by the state department of revenue.

By Messrs. Ferguson and Callahan (with notice and proof):

H. 1359. For the relief of John T. Lancaster, authorizing and re-

quiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said John T. Lancaster for certain damages.

By Messrs. Cabiness and Gross:

H. 1360. To propose a constitutional amendment relative to levying additional taxes in Jackson County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Gross:

H. 1362. To prohibit the taking of fish from the public waters of counties having populations of not less than 36,600 nor more than 37,600, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines.

By Mr. Brewer et al (with notice and proof):

H. 1374. To authorize the board of trustees of the district tuberculosis sanatorium of District Number One to bargain, sell and convey certain real property.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 1376. To prohibit the exercise of corporate or governmental functions in Morgan County by municipal corporations whose corporate limits do not lie within or extend into and embrace territory lying within the county.

By Messrs. Brewer and Gilchrist (with notice and proof):

H. 1377. To define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for the violation of the provisions hereof.

By Messrs. Gilchrist and Brewer:

H. 1378. Relating to counties of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census; providing for payment of an expense allowance to the probate judges of such counties.

By Messrs. Ferguson and Callahan:

H. 1380. To create the office of commissioner of licenses in counties in Alabama having a population of not less than ninety five thousand (95,000) people and not more than one hundred fifteen thousand (115,000) people, according to the last and any subsequent decennial Federal census; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative

to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

By Messrs. Callahan and Ferguson:

H. 1381. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

By Mr. Callahan (with notice and proof):

H. 1382. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

By Messrs. McLendon (Bullock) and Powell (with notice and proof):

H. 1383. To extend, alter and rearrange the boundary and corporate limits of the city of Union Springs, in Bullock County, Alabama.

By Mr. Sullivan (with notice and proof):

H. 1391. To alter, rearrange and extend the boundary line and corporate limits of the municipality of the Town of Reform in Pickens County, Alabama.

By Mr. Sullivan (with notice and proof):

H. 1392. To amend Act No. 132, H. 112, approved September 21, 1959, an act regulating further the taking of catfish in Pickens County by the use of baskets, providing for the payment of a privilege license tax for such use of baskets (Acts of Alabama 1959, vol. I, p. 654), so as to allow the use of revenues derived from the sale of such licenses for improving public parks in the county in addition to present uses.

By Mr. Hankins (with notice and proof):

H. 1395. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

By Mr. Hawkins et al:

H. 1403. To provide for and authorize the introduction in evidence

in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, or of the United States of America, including U. S. Veteran Hospital, located in Alabama Counties of more than 600,000 population, including records of admission, medical, clinical, hospital, occupations, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photograph, charts, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as all employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, injury, disabilities, sickness, disease, mental and physical and nervous condition and disorder, duration and character of such ailments and disabilities, and the diagnosis, prognosis, progress, operations, incisions, contusions, concussions, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment, and care and the charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, and when the custodian of such hospital records certifies and affirms in writing that the hospital was operated or organized under or pursuant to the laws of Alabama or of the United States of America, including U. S. Veterans Hospitals, located in Alabama Counties of more than 600,000 population, and that the same are a true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but that this shall not affect their admissibility; and to provide for the costs and taxing and collection thereof for said copies and certificates and affirmance in writing thereto and the filing of said copies with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

By Mr. Sessions et al:

H. 1409. To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Court Study"; to state the powers, authority and duties of such commission; and to provide for the financing of the work of the commission.

By Mr. Sessions et al:

H. 1410. To provide that in any county of the State of Alabama having a population of 600,000 or more according to the last or any succeeding Federal Census, it shall be unlawful for any person licensed to sell malt beverages but not licensed to sell liquors to have in his possession or under his control at his place of business covered by the beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the State; to provide that it shall be unlawful for the agent, servant or employee of any such beer licensee to have in his possession or under his control at the place of business covered by said beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the State; to provide that any beverages or liquors found at any such place of business of a beer licensee in violation of the foregoing provisions shall be contraband and shall be subject to condemnation in the manner provided for in this Act, and to provide a penalty for violating this Act.

By Mr. Hawkins et al:

H. 1411. To require disaster preparedness in the schools and educational institutions in each County in the State having a population in excess of 500,000 according to the last or any subsequent Federal decennial census.

By Mr. Sessions et al:

H. 1412. To further define the jurisdiction of all statutory inferior courts, other than those created in lieu of justices of the peace, in all counties having populations of 500,000 or more, according to the last or any subsequent federal decennial census.

By Mr. Sessions et al:

H. 1413. To require the probate judge of any county having a population of 500,000 or more inhabitants, according to the 1960 or any subsequent federal decennial census, to furnish the board of registrars of such county photostatic copies of declarations acknowledging paternity.

By Mr. Sessions et al:

H. 1414. To amend Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, Page 404, et seq.)

By Mr. Sessions et al:

H. 1415. To provide that members of the Board of Trustees or Board of Managers of any pension system established for the employees, or any class of employees, of any county in the State having a population of 400,000 or more according to the last or any subsequent Federal Census shall be protected from personal liability to the State, County or any individual for their official acts where such acts are in reliance upon the written opinion of the County Attorney for such County.

By Mr. Sessions et al:

H. 1417. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

By Mr. Sessions et al:

H. 1418. To provide for and fix the salaries of members of the commission or board of commissioners (including the president of such commission or board) of each city in the State of Alabama having a population of three hundred thousand or more inhabitants according to the last or any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; To provide that this act shall become effective on the first Monday of November, 1961.

By Messrs. Roberts and Reynolds (Madison):

H. 1422. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed

of only one county which has a population of not less than 110,000 nor more than 150,000, according to the 1960 or any subsequent federal decennial census.

By Mr. Camp:

H. 1429. To provide further for selection of textbooks for use in certain schools in all counties having populations of not less than 65,000 nor more than 95,000, repealing conflicting laws.

By Messrs. Avery and Ramey:

H. 1432. To authorize, direct, and require the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census, to cover the employees of the county under the Workmen's Compensation Act.

By Messrs. Daniel and Grant (with notice and proof):

H. 1433. To alter, rearrange, and extend the boundary lines and corporate limits of the city of Linden, in Marengo County, Alabama.

By Messrs. Bevill and Shumate (with notice and proof):

H. 1434. To alter and rearrange the boundaries of the town of Dora, Walker County, so as to annex certain territory to the town.

By Mr. Jones (Covington) (with notice and proof):

H. 1435. Relating to the levy of additional taxes for educational purposes in Covington County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes when levied by the state department of revenue.

By Messrs. Gilmer and Hain:

H. 1446. To provide additional compensation for registrars in all counties having populations of not less than 55,000 nor more than 60,000, to be paid from the funds of such counties.

By Mr. Sessions et al:

H. 1462. To provide for the compensation to be paid certain officers by counties having a population of 600,000 or more according to the last or any succeeding decennial Federal Census.

By Messrs. Taylor and Glass:

H. 1463. Providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census.

By Mr. Sessions et al:

H. 1464. To amend the Title and also the body of Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, pages 366, et seq.)

By Mr. Sessions et al:

H. 1466. To establish, subject to the conditions stated in this Title and in the Act, in each city of the State having a population of 300,000 or more, according to the last or any succeeding Federal Census, a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq. as amended) and on whose account or for whose benefit the city by which they are employed makes no contribution or pays no tax to the United States of America under the Federal Social Security Act; to provide that the Act shall not be operative in any such city so long as there is operated, or maintained, in the city the pension system provided for by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, and to provide, further, that if and when any such pension system provided for by said Act No. 556 for any reason is not operated and maintained in the city this Act shall become operative in the city; to provide for the creation and maintenance of a fund for the administration of the pension system hereby created; to provide for paying into the fund certain amounts to be deducted from the salaries of the members of the said pension system and to provide also for paying into the said fund contributions by the city matching the deductions from the salaries of the members of the said system; to provide certin disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this Act; to provide that from the fund of the system established by this Act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the System created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said Board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at times specified in the Act the Board of Managers of the pension system established by the Act shall present to each member of the House of Representatives and to the member of the Senate of the Legislature of Alabama residing in any county or senatorial district wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what changes he considers necessary.

By Mr. Oden:

H. 1469. To propose a constitutional amendment relative to levying additional taxes in Franklin County for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Roberts:

H. 1473. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

By Mr. Roberts:

H. 1474. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

By Mr. Franklin:

H. 1476. To provide for the expenses of the county superintendent of education in any county having a population of 10,800 inhabitants or less according to the 1960 or any subsequent federal decennial census; and to provide that the provisions of this act shall be retroactive to July 1, 1961.

By Mr. Franklin:

H. 1475. To authorize the county governing body of any county having a population of 10,800 inhabitants or less, according to the 1960 or any subsequent federal decennial census, to provide a clerk-hire allowance for the office of clerk of the circuit court.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Sessions, Rast, Hawkins, Edwards, Perry, Morrow and Locke:

H. 1404. To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of

this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, page 647, approved August 23, 1949, and as amended by Act. No. 496, General Acts of Alabama of 1951, page 882, approved August 22, 1951.

Also:

By Messrs. Hawkins, Sessions, Rast, Edwards, Perry, Morrow and Locke:

H. 1406. To apply in all counties in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain two unmarked or undesignated passenger automobiles for official use. Said cars to be serviced by the county and to provide for the payment and expenses of their upkeep; defining violations of the act and prescribing penalties therefor; and repealing act No. 529, H. 1098, approved November 19, 1959, (Acts of Alabama 1959, p. 1304).

Also:

By Messrs. Sessions, Rast, Hawkins, Edwards, Morrow, Locke and Perry:

H. 1407. To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Also:

By Messrs. Rast, Hawkins, Sessions, Edwards, Morrow, Locke and Perry:

H. 1408. To amend Section 23 of Act No. 929, S. 676 approved September 12, 1951 (General Acts of Alabama, 1951, page 1579) entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1404, 1406, 1407 and 1408—to the Committee on Local Legislation.

(The above bill, H. B. 1407 was read at length as required by the Constitution.)

VICE-CHAIRMAN OF RULES COMMITTEE REQUESTS RECOGNITION

Mr. Givhan, Vice-Chairman of the Standing Committee on Rules, requested the floor for the purpose of making a report from the Standing Committee on Rules.

The Chair refused to recognize Mr. Givhan as Vice-Chairman of the Rules Committee.

Mr. Turner requested a Ruling from the Chair if the Rules Committee meeting held at 1:00 A.M. was legal in view of notice which had previously been posted in the Senate Chamber.

Mr. Dumas raised the Point of Order that the request by Mr. Turner was out of order.

The Point of Order raised by Mr. Dumas was sustained by the Chair. The Chair called for the Regular Order of Business, S. B. 400.

Mr. Turner then raised the Point of Order that Special Orders are not called up until twelve o'clock Noon.

Mr. Dumas raised the Point of Order that Unfinished Business of the Senate takes Precedence over all other business.

MOTION TO RECESS LOST

At 3:16 A.M., Mr. Dumas moved that the Senate now take a recess until 12 o'clock noon today, which motion was lost.

Yeas 8; Nays 23.

Yeas:

Messrs.:	Caffey	Dumas	Haltom
Archer	deGraffenried	Godfrey	Word
Berryman			

—8

Nays:

Messrs.:	Eddins	Hines	Rutledge
Andrews	Farmer	Jones	Samford
Barnett	Gaither	Kendall	Shelton
Clark	Givhan	Leonard	Turner
Cooper	Green	Moses	Webb
Crawford	Graham	Robison	Wyatt

—23

FURTHER CONSIDERATION OF POINT OF ORDER

The Chair then sustained the Point of Order raised by Mr. Dumas and stated that the Unfinished Business, S. B. 400, is the Regular Order of Business.

FURTHER CONSIDERATION OF S. B. 400

The Senate then proceeded to further consideration of the Bill, S. B. 400. The question was on the substitute reported by the Standing Committee on Forestry and Conservation.

Mr. Barnett offered the following amendment to the substitute for the bill, to-wit:

Amendment to Committee substitute for S. B. 400

Amend Section 16 thereof to read as follows:

Section 16. Vessels subject to the provisions of this Act shall be classified according to the following schedule and the annual fees charged by the Department of Conservation for registration shall be in the following amounts.

Class 1. Less than sixteen (16) feet in length .50 cents.

Class 2. Sixteen feet and over $15.00

Which was lost.

Yeas 7; Nays 11.

Yeas:

Messrs.:	Barnett	Eddins	Moses	
Andrews	Clark	Golson	Turner	
				—7

Nays:

Messrs.:	Crawford	Gaither	Haltom	
Berryman	deGraffenried	Graham	Hines	
Caffey	Farmer	Green	Samford	
				—11

Mr. Barnett then offered the following amendment to the substitute for the bill, to-wit:

Amendment to Committee substitute for S. B. 400

Amend section 16 thereof to read as follows:

"Section 16. Vessels subject to the provisions of this act shall be classified according to the following schedule and the annual fees charged by the Department of Conservation for registration shall be in the following amounts:

Class 1. Less than sixteen (16) feet in length .25 cents.

Class 2. Sixteen (16) feet or over $15.00.

On motion of Mr. Dumas, said amendment was laid on the table.

Yeas 20; Nays 5.

Yeas:

Messrs.:	deGraffenried	Golson	Jones	
Andrews	Dumas	Graham	Kendall	
Berryman	Farmer	Green	Samford	
Caffey	Gaither	Haltom	Webb	
Clark	Givhan	Hines	Word	
Crawford				—20

Nays:

Messrs.:	Cooper	Moses	Rutledge	
Barnett	Eddins			—5

Mr. Barnett then offered the following amendment to the substitute for the bill, to-wit:

Amendment to Committee substitute for S.B. 400

Amend Section 15. Vessels subject to the provisions of this act shall be classified according to the following schedule and the annual fee charged by the Department of Conservation for registration shall be in the following amounts.

Class 1. Less than sixteen (16) feet in length $.50

Class 2. Sixteen (16) or over and less than twenty-six (26) feet in length $3.00

Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length $6.00

Class 4. Forty (40) feet or over $25.00

RECESS

At 3:42 A.M., on motion of Mr. Kendall, the Senate took a recess until 5:30 A.M. this morning.

The recess period having expired, the Senate was called to order by Lieutenant Governor Boutwell, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	Archer	Berryman	Clark
Andrews	Barnett	Caffey	Cooper

Crawford	Godfrey	Kendall	Samford
deGraffenried	Golson	Leonard	Shelton
Dumas	Graham	Moses	Turner
Eddins	Green	Porter	Webb
Farmer	Haltom	Roberts	Wilson
Gaither	Hines	Robison	Word
Givhan	Jones	Rutledge	Wyatt

—35

MOTION FILED

Mr. Turner filed motion on desk of Secretary, relative to a Report by the Vice-Chairman of The Rules Committee.

The Chair refused to recognize said motion.

Mr. Dumas objected to the filing of this motion, on the grounds previously stated, and asked that his objection be entered in the Journal.

Mr. Turner appealed from the Ruling of the Chair.

The Chair held that there was no Ruling—that Mr. Turner had not been recognized for the purpose of making such motion.

FURTHER CONSIDERATION OF S. B. 400

The Senate then proceeded to further consideration of the Bill, S. B. 400, and pending Committee substitute. The question was on the amendment offered by Mr. Barnett to the substitute for the Bill.

MOTION IN WRITING

Mr. Barnett offered the following Motion in Writing:

"I move that S. B. 400 and pending amendments be carried over to next Legislative Day without losing its place on the calendar.

Barnett"

POINT OF ORDER

Mr. Turner raised the Point of Order that The Chair was in error by failing to recognize the Vice Chairman of the Rules Committee.

The Chair stated that Mr. Turner had been recognized to discuss the pending measure—not to yield the floor to the Vice Chairman of the Rules Committee.

Mr. Turner requested a Ruling from The Chair as to whether The Chair has the right to refuse to recognize a senator for a particular purpose.

The Chair refused to Rule on Mr. Turner's request.

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400 and pending amendments.

The question was on the motion by Mr. Barnett that further consideration of the Bill, S. B. 400 and pending amendments, be postponed until the next Legislative Day.

BILLS ON THIRD READING RESUMED

The Bill:

S. 659. To provide for the collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the city of Eufaula, Barbour County.

was taken up.

Mr. Clark offered the following amendment to the Bill, to-wit:

Amendment to S. B. 659

In the title strike out the words "sales and use taxes" and insert "certain privilege license taxes".

Also, strike out Section 1 of the bill entirely and insert in lieu thereof the following:

Section 1. On the request of the council or commission of the City of Eufaula, the state department of revenue shall collect any privilege license tax levied or assessed by the City of Eufaula, Barbour County, under the provisions of a municipal ordinance when the levy parallels the state levy of sales and use taxes, except for rate of tax, and is subject to all definitions, exceptions, exemptions, proceedings, requirements, rules, regulations, provisions, penalties, fines, punishments, and deductions as are applicable to the state sales and use taxes levied by Act No. 100, H. 94, Second Special Session 1959, and Article 11, Chapter 20, of Title 51, Code of Alabama 1940, and all acts amendatory thereof or supplementary thereto, except where inapplicable or where herein otherwise provided, including provisions for enforcement and collection of the taxes, if the ordinance is duly promulgated and adopted by the governing body of the City of Eufaula and a certified copy of the ordinance is filed with the state department of revenue.

Also, in Section 4, third sentence, strike out the words "sales and use" and insert "license"

Also, in Section 5, strike out the words "municipal sales and use taxes" and insert "municipal license taxes".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Caffey	Cooper	deGraffenried
Berryman	Clark	Crawford	Gaither

Givhan	Kendall	Roberts	Webb	
Godfrey	Leonard	Robison	Wilson	
Golson	Moses	Shelton	Word	
Graham	Porter	Turner	Wyatt	
Green				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passsed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 603. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31 and 32, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Mr. Robison offered the following substitute for the Bill, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, 32 and 33, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundaries of the City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the Corporate Limits of the said City certain additional territory lying within the following described boundaries, to-wit:

Beginning on the north right of way line of the Seaboard Air Line Railway at a point 83.5 feet more or less east of the west line of Section 33, T17N, R18E, Montgomery County, Ala., said point being on the

east right of way line of the Fairgrounds Road and on the existing city limits line of the City of Montgomery, Ala., thence north and parallel to the west line of said section 33 to a point on the north line of said section 33, thence west along the north line of said Section 33 a distance of 83.5 feet, more or less, to the northwest corner of said Section 33; the said point also being a common corner for the SE corner of Section 29, T17N, R18E; thence north along the east line of said Section 29 to the south right of way line of the Western Railway of Alabama, thence in a westerly direction along the south right of way line of said Railroad a distance of 1870 feet, more or less, to a point on the northerly projection of the east line of the Map of Vandiver Place, as the same is filed for record in the office of the Judge of Probate, Montgomery Co., Ala. in Plat Book 8, Page 38, thence in a southerly direction along said northerly projection of the east line of said Map of Vandiver Place a distance of 1348 feet, more or less, to the northeast corner of Lot 32 in Block 6, of said Map of Vandiver Place, thence west along the north line and projection thereof of Blocks 6 and 5, according to the said Map of Vandiver Place a distance of 1485.3 ft., more or less, to a point on the westerly right of way line of Lower Wetumpka Road; thence northerly along the westerly right of way line of said Lower Wetumpka Road a distance of 1048 feet, more or less, to a point on the south right of way line of the Western Railway of Alabama, thence in a southwesterly direction along the south right of way line of said railroad and southwesterly along a line being an extension of the said south right of way, said line being a distance of 50 feet from the center line of the main line track at all points, measured perpendicular to said center line, to a point on the south line of the north one-half of Section 31, T17N, R18E, Montgomery Co., Alabama, the said point being on the now existing City Limits line of said City of Montgomery, Alabama; thence along the existing City Limits line, said line running east along the south line of the north one-half of Sections 31 and 32, T17N, R18E, Montgomery County, Alabama to a point on the north right of way line of the Seaboard Air Line Railway, thence east along the north right of way line of the Seaboard Air Line Railway to the point of beginning.

Section 2. That this act shall become effective upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark			

—24

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark			

—24

Nays: —0

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S.B. 400 and pending amendments.

The question was on the motion by Mr. Barnett that further consideration of the Bill and pending amendments be postponed until the next Legislative Day.

REPORT OF COMMITTEE ON
ENGROSSED BILLS

Mr. President:

Your Standing Committee on Engrossed Bills begs leave to report that said Committee, in session, has compared the following engrossed Senate Bill with the original Senate Bill, respectively, and finds same correctly engrossed, to-wit:

S. 659. To provide for the collection and enforcement by the state department of revenue of certain privilege license taxes levied or assessed by the city of Eufaula, Barbour County.

HUGH MOSES,

Chairman.

BILLS ON THIRD READING RESUMED

The Bill:

S. 639. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Was read a third time a length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

S. 640. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: —0

The Bill:

H. 670. To repeal Act No. 429, H. 958, approved August 17, 1951, an act relating to the levying of a beer tax in certain counties classified on a population basis (Acts of Alabama 1950-1951, vol. I, p. 771).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Caffey	Cooper	deGraffenried
Berryman	Clark	Crawford	Gaither

Givhan	Jones	Porter	Webb	
Godfrey	Kendall	Roberts	Wilson	
Golson	Leonard	Robison	Word	
Graham	Moses	Turner	Wyatt	
Green				—24

Nays: —0

The Bill:

H. 789. To repeal Act No. 250, S. 272, approved August 16, 1955, an act relating to prohibition of the sale of alcoholic beverages in certain places in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 592).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 790. Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in any such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wyatt	
Clark				—24

Nays: —0

MOTION TO ADJOURN TO TIME CERTAIN

Mr. Turner moved that when the Senate adjourns today, it adjourn to meet again Wednesday, August 30, 1961, at 12:01 A.M., which was adopted.

Yeas 16; Nays 4.

Yeas:

Messrs.:	Farmer	Kendall	Samford	
Andrews	Gaither	Leonard	Shelton	
Clark	Golson	Porter	Turner	
Cooper	Green	Rutledge	Webb	
Crawford				—16

Nays:

Messrs.:	Godfrey	Haltom	Roberts	
Caffey				—4

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400 and pending amendments.

The question was on the motion by Mr. Barnett that further consideration of the Bill, S. B. 400 and pending amendments, be postponed until the next Legislative Day.

MOTION TO RECESS LOST

At 6:43 P.M., Mr. Godfrey moved that the Senate take a recess until 7:43 P.M. tonight, which motion was lost.

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400 and pending amendments.

The question was on the motion by Mr. Barnett that further consideration of the Bill, S. B. 400 and pending amendments, be postponed until the next Legislative Day.

MOTION TO RECESS LOST

At 7:32 P.M., Mr. Godfrey moved that the Senate take a recess until 7:42 P.M., which motion was lost.

Yeas 7; Nays 13.

Yeas:

Messrs.:	Berryman	deGraffenried	Hines	
Archer	Caffey	Godfrey	Roberts	
				—7

Nays:

Messrs.:	Eddins	Moses	Shelton	
Andrews	Graham	Porter	Turner	
Barnett	Jones	Robison	Webb	
Clark	Kendall			—13

REPORTS OF COMMITTEES RESUMED

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith (Russell) et al (with substitute):

H. 17. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, The Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, The Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Vickers et al:

H. 20. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

By Mr. Smith (Russell) et al:

H. 21. To make an appropriation for the support and maintenance of the Alabama Vocation School for Girls.

By Mr. Smith (Russell) et al:

H. 22. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

By Mr. Smith (Russell) et al:

H. 203. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Reg-

ular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding $1,500,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding $1,500,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Sesssion of the Legislature or Act No. 98 adopted at the 1959 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

By Mr. Pruitt et al:

H. 718. To make appropriations from the state treasury for support and maintenance of the Marion Institute, located in Perry County.

By Mr. Pruitt et al:

H. 1149. To amend Section 366 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

By Mr. Bevill et al:

H. 19. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County, Alabama.

By Mr. Oden et al:

H. 1113. To authorize and provide for the establishment, maintenance, and operation of a junior college to be located in Franklin, Marion, or Winston County; to create a board of trustees to govern such college; to authorize the board of trustees to select the location for such college, name it, appoint a president and certain other officers therefor, and prescribe rules and regulations to govern the college; to constitute the college a body corporate upon compliance with certain conditions; to authorize the board of trustees to accept gifts, donations, devises, and bequests; and to buy, hold, sell or otherwise dispose of real and personal property for and in the name of the college; to authorize the governing bodies of Franklin, Marion, and Winston Counties and of each incorporated municipality in any of such counties to make appropriations of public funds in aid of the college; to authorize the board of education of each of these counties and the board of education of any incorporated municipality in these counties to use public school funds in aid of such college and to provide transportation and certain other facilities to students attending the college; to exempt from taxation the property of the college; to exempt officers and employees of the college from certain civil duties and from certain municipal privilege licenses; and to make an appropriation from the special educational trust fund for the purpose of effectuating this Act.

By Mr. Smith (Russell) et al:

H. 29. To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of $160,000 for the purpose of purchasing and installing a mechanical filing system in the State Department of Public Safety.

By Mr. Brewer et al:

H. 298. To provide supernumerary circuit court reporters for the State of Alabama; prescribing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and making an appropriation to pay their salaries:

By Messrs. Cornett and Pruitt:

H. 312. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as heretofore amended, relating to the excise tax on gasoline, so as to provide that the gasoline tax on certain fuels consumed in boats or vessels be paid into the "Water Safety Fund" and "Seafoods Fund."

By Mr. Dodd et al:

H. 435. To provide for confinement, quarantine, isolation, and compulsory hospitalization and treatment of recalcitrant tuberculous persons, prescribing commitment procedures, and authorizing the use of public funds for such purposes.

By Messrs. Goodwyn and Rozelle:

H. 841. To amend Section 2 of Act No. 48, H. 34, approved November 1, 1950 (Acts of Alabama, 1951, p. 102) as amended, entitled "An Act to provide old-age and survivors insurance for certain officers and employees of the State and Local governments and making appropriations therefor."

By Mr. Phillips et al:

H. 1195. To make appropriations to the Cahaba Historical Commission and provide for the use thereof.

By Mr. Dunn:

H. 1431. To make an appropriation of highway department funds for relief of Mrs. Clyde McLean Wilson, of Clarke County.

By Mr. Bailey et al:

H. 1472. Relating to the operation of boards of equalization of all counties having populations of not less than 150,000 nor more than 250,000 according to the most recent federal decennial census.

By Mr. Dodd:

H. 433. To amend further Section 7, Title 60, Code of Alabama 1940, as amended, which relates to the widows of Confederate veterans who are entitled to pensions.

By Mr. Long (Perry):

H. 194. To amend further Code of Alabama 1940, Title 37, Section 264, in relation to the pledge of certain municipal revenues to payment of principal and interest on bonds.

By Mr. Copeland:

H. 383. To amend Section 33 of Title 8, Code of Alabama, which relates to non-resident trip hunting license to increase the penalty therefor.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Morrow et al:

H. 1461. To further amend Act 661 House Bill 978 approved September 4, 1951 which was amended by Act No. 17 of the Legislature during the second extra session in 1956 as reported in Acts of the said session at Page 276 and approved March 16, 1956 which act and amendment thereto defines and regulates the issuance of license of barbers, barbershops, barber colleges and other like business and establishes a barber commission in all counties in the State having a population of 400,000 or more according to the last and any subsequent federal census and establishing an inspector, grant powers to the barber commission to make rules and regulations.

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400 and pending amendments.

The question was on the motion by Mr. Barnett that further con-

sideration of the Bill, S. B. 400 and pending amendments, be postponed until the next Legislative Day.

MOTION IN WRITING

Mr. deGraffenried offered the following substitute motion, for the motion by Mr. Barnett, in wriing:

"Substitute Motion

As a substitute for the motion by Senator Barnett, I move that S. 400 and the substitute and profferred amendment by Sen. Barnett be carried over to the 35th Legislative Day without losing its place on the Calendar as unfinished business on that day.

deGraffenried"

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 31. To regulate the compensation and allowances of the tax assessors of all counties having populations of not less than 65,000 nor more than 95,000.

Also:

S. 30. To regulate the compensation and allowances of the tax collectors of all counties having populations of not less than 65,000 nor more than 95,000.

Also:

S. 8. To repeal Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid." (Acts of Alabama 1955, Vol. I, p. 157).

Also:

S. 9. To apply in all counties having a population of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation.

Also:

S. 10. To repeal Act No. 48, H. 62, approved April 8, 1955, entitled,

"An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation," (Acts of Alabama 1955, vol. I, p. 158).

Also:

S. 11. To repeal Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1140).

Also:

S. 12. To repeal Act No. 448, H. 630, approved August 17, 1951, entitled, "An Act to fix the salary of County Superintendents of Education in all counties of the State of Alabama having a population of not less than 45,090 and not more than 46,550 according to the 1950 Federal Census, or any subsequent Federal census, and to provide when this Act shall take effect" (Acts of Alabama 1951, vol. I, p. 800).

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brannan:

H. 1372. To alter or rearrange the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

BALDWIN COUNTY.

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL

TO BE ENTITLED

AN ACT

To alter or rearrange the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, be, and the same are hereby altered or rearranged to as to include all of the territory heretofore encompassed by the corporate limits of the Town of Robertsdale and in addition thereto the following described territory, located in Baldwin County, Alabama, to-wit:

The Southwest Quarter, Section 32, Township 5 South, Range 4 East.

The West half, Section 5, Township 6 South, Range 4 East.

The Northwest Quarter, Section 8, Township 6 South, Range 4 East.

The North half, Section 7, Township 6 South, Range 4 East.

The Northeast Quarter, Section 12, Township 6 South, Range 3 East.

The East half, Section 1, Township 6 South, Range 3 East.

The Southeast Quarter, Section 36, Township 5 South, Range 3 East.

The South half, Section 31, Township 5 South, Range 4 East.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA,

BALDWIN COUNTY.

Before me Doris Horder Rich, a Notary Public in and for the State and County aforesaid personally appeared E. M. Howell, who, being by me first duly sworn deposes and says that during the times herein mentioned he was Publisher of The Foley Onlooker, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issue of said paper on June 22, 29, July 6 and 13, 1961, all in the year 1961.

E. M. HOWELL,

Affiant.

Sworn to and subscribed before me on this 15th day of July, 1961.

DORIS HORDER RICH,

Notary Public State of Alabama at Large.

My Commission expires 22 December, 1962.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1372 — to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Harris, Cabiness and Gross:

H. 1500. To authorize and provide for the establishment, maintenance, and operation of a junior college to be located in Jackson or DeKalb County; to create a board of trustees to govern such college; to authorize the board of trustees to select the location for such college, name it, appoint a president and certain other officers therefor, and prescribe rules and regulations to govern the college; to constitute the college a body corporate upon compliance with certain conditions; to authorize the board of trustees to accept gifts, donations, devises, and bequests; and to buy, hold, sell or otherwise dispose of real and personal property for and in the name of the college; to authorize the governing bodies of Jackson and DeKalb Counties and of each incorporated municipality in any of such counties to make appropriations of public funds in aid of the college; to authorize the board of education of each of these counties and the board of education of any incorporated municipality in these counties to use public school funds in aid of such college and to provide transportation and certain other facilities to students attending the college: to exempt from taxation the property of the college; to exempt officers and employees of the college from certain civil duties and from certain municipal privilege licenses.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1500 — to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Adams:

H. 1394. To provide for the creation and establishment of a city-county airport authority, which shall be a public body corporate, to take possession of and title to existing airports, airfields, and aircraft facilities owned or operated by or on behalf of the City of Dothan and the County of Houston, and to provide for the management, control, development and improvement of such airports, airfields and aircraft facilities.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given in accordance with Article 4, Section 106 of the Constitution of Alabama that application will be made at the current session of the Legislature for enactment of a local law affecting the City of Dothan and Houston County, in substance as follows:

An Act to create and establish an airport authority, which shall be a public corporate body authorized to take over, operate, manage, control, develop, improve, and mortgage existing city and county-owned airports, airfields, and aircraft facilities; to provide for the selection, tenure, and compensation of the members and officers of the airport authority and prescribe their powers and duties; to define the powers and duties of the airport authority as a public corporation; to authorize the corporation to create debts, issue and sell warrants or bonds, and to pledge to the payment thereof and the interest thereon the revenues received by the authority from airport operations; to restrict the powers of the airport authority in relation to acquisition, sale, disposition and use of real estate; to provide for audits, reports, and accounting for funds, resources, and public property; to make the operation of the law depend upon approval by a majority of the qualified voters of the county who vote thereon at an election to be held for that purpose.

PROOF OF PUBLICATION

STATE OF ALABAMA,

HOUSTON COUNTY.

Before me, the undersigned authority in and for said County in said State, this day, personally appeared Mirl Crosby, who is known to me and who, being by me first duly sworn, deposes and says: That he is Business Manager of The Dothan Eagle, a newspaper published at Dothan, in Houston County, Alabama, and that a copy of the attached advertisement appeared once a week for four successive weeks, on the following dates: July 28, August 4, 11, 14, 1961 in The Dothan Eagle, which said Dothan Eagle has a general circulation in the County in which it is published, and has been mailed under the second class mailing privileges of the United States Post Office Department from the post office where

is is published for more than fifty-two (52) consecutive weeks prior to this publication.

MIRL CROSBY.

Sworn to and subscribed before me on this 14th day of August, 1961.

EUGENE S. McCLINTIC,
Notary Public.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1394 — to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Sanate without engrossment:

By Mr. Broadfoot:

H. 1341. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read at length as required by the Constitution and referred to appropriate Standing Committee ,as follows:

H. B. 1341 — to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Meade:

H. 1486. To alter, re-arrange and extend the boundary lines of the

Town of Cedar Bluff, in the County of Cherokee, State of Alabama, so as to include within the corporate limits of said town all territory within the existing corporate limits and certain other territory in Cherokee County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF CHEROKEE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, re-arrange and extend the boundary lines of the Town of Cedar Bluff, in the County of Cherokee, State of Alabama, so as to include within the corporate limits of said town all territory within the existing corporate limits and certain other territory in Cherokee Couny, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Cedar Bluff, in the County of Cherokee, State of Alabama, are hereby altered, re-arranged and extended so that there shall be included within the corporate limits of said town all of the following described real estate located in Cherokee County, Alabama, viz:

All that part of the Southwest quarter (SW quarter) of the Southeast quarter (SE quarter) of Section Twenty (20) in Township Nine (9) South, Range Ten (10) East, lying east of the Cedar Bluff-Gaylesville Highway and south of Cobia Bridge;

All that part of the Southeast quarter (SE quarter) of the Southeast quarter (SE quarter) of Section Twenty (20) in Township Nine (9) South, Range Ten (10) East, that lies above that certain datum plane of 564 feet above mean sea level, according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955;

All that part of the Southwest quarter (SW quarter) of the Southwest quarter (SW quarter) of Section Twenty one (21) in Township Nine (9) South, Range Ten (10) East, that lies above that certain datum plane of 564 feet above mean sea level according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955;

The Southwest quarter (SW quarter) of the Northwest quarter

(NW quarter) the west-half (W half) of the Southwest quarter (SW quarter); the Southeast quarter (SE quarter) of the Southwest quarter (SW quarter); and the Southwest quarter (SW quarter) of the Southeast quarter (SE quarter) of Section Twenty eight (28) in Township Nine (9) South, Range Ten (10) East.

All that part of the following described forty acre tracts of land in Section Twenty eight (28) Township Nine (9) South, Range Ten (10) East, lying above that certain datum plane of 564 feet above mean sea level according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955, viz:

The Northwest quarter (NW quarter) of the Northwest quarter (NW quarter); the Northeast quarter (NE quarter) of the Northwest quarter (NW quarter); Southeast quarter (SE quarter) of the Northwest quarter (NW quarter); the Southwest quarter (SW quarter) of the Northeast quarter (NE quarter) the Northwest quarter (NW quarter) of the Southeast quarter (SE quarter); and the Northeast quarter (NE quarter) of the Southwest quarter (SW quarter).

The Southeast quarter (SE quarter) of Section Twenty nine (29) in Township Nine (9) South, Range Ten (10) East; the Southeast quarter (SE quarter) of the Southwest quarter (SW quarter) Section Twenty Nine (29) Township Nine (9) South, Range Ten (10) East, and all that part of the following described tracts in Section Twenty nine (29) Township Nine (9) South, Range Ten (10) East lying above that certain datum plane of 564 feet above mean sea level according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955, viz:

The Northeast quarter (NE quarter) of the Northeast quarter (NE quarter); Northwest quarter (NW quarter) of the Northeast quarter (NE quarter); Southeast quarter (SE quarter) of the Northeast quarter (NE quarter); Southwest quarter (SW quarter) of the Northeast quarter (NE quarter); Southeast quarter (SE quarter) of the Northwest quarter (NW quarter); Southwest quarter (SW quarter) of the Northwest quarter (NW quarter); Northeast quarter (NE quarter) of the Southwest quarter (SW quarter); Northwest quarter (NW quarter) of the Southwest quarter (SW quarter) and the Southwest quarter (SW quarter) of the Southwest quarter (SW quarter).

All that part of the following forty acre tracts of land which lie above that certain datum plane of 564 feet above mean sea level according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955, being situated in Section Thirty two (32) Township Nine (9) South, Range Ten (10) East, viz:

The Northeast quarter (NE quarter) of the Northeast quarter (NE quarter); the Southeast quarter (SE quarter) of the Northeast quarter (NE quarter); the Northwest quarter (NW quarter) of the Northeast quarter (NE quarter); the southwest quarter (SW quarter) of the Northeast quarter (NE quarter); the Northeast quarter (NE quarter) of the Northwest quarter (NW quarter); the Northwest quarter (NW quarter) of the Northwest quarter (NW quarter); the Northeast quarter (NE quarter) of the Southeast quarter (SE quarter) and the Northwest quarter (NW quarter) of the Southeast quarter (SE quarter).

All that part of the following described forty acre tracts of land lying above that certain datum plane of 564 feet above mean sea level according to the U. S. Coast and Geodetic Survey as adjusted in January, 1955, being situated in Section Thirty three (33) in Township Nine (9) South, Range Ten (10) East, viz:

The Southwest quarter (SW quarter) of the Northeast quarter (NE quarter); the Northeast quarter (NE quarter); of the Northwest quarter (NW quarter); the Northwest quarter (NW quarter) of the Northwest quarter (NW quarter); the Southeast quarter (SE quarter) of the Northwest quarter (NW quarter); the Southwest quarter (SW quarter) of the Northwest quarter (NW quarter); the Northeast quarter (NE quarter) of the Southwest quarter (SW quarter) and the Northwest quarter (NW quarter) of the Southwest quarter (SW quarter).

A map or plat of said datum plane of 564 feet as the same crosses each of the above described forty acres of land was filed for record in the Probate Office of Cherokee County, Alabama, on May 8, 1961, and is therein recorded in Plat Book 5 at page 55, reference to such plat or map being herein made for an aid in the location of the outlying boundaries of the Town of Cedar Bluff, Alabama.

Section 2. The boundaries set out in Section 1 of this Act are hereby established as the corporate limits of said Town of Cedar Bluff, Cherokee County, Alabama, and all the territory included and embraced within said boundaries shall hereafter be and constitute a part of the Town of Cedar Bluff, Cherokee County, Alabama.

Section 3. All laws and parts of laws, both general, special and local in conflict with this Act are hereby repealed.

Section 4. This Act shall become effective only if it is approved at a referendum election to be held thereon.

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF CHEROKEE.

Before me, the undersigned authority in and for said County in said State, this day appeared Joe Shaw, Jr., who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Cherokee County Herald, a newspaper of general circulation published in Cherokee County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on June 7, June 14, June 21, June 28, all in the year 1961.

JOE SHAW, JR.,

Sworn to and subscribed before me August 24, 1961.

JOAN MORRISON,

Title Notary Public.

Alabama State at Large.

Also:

By Messrs. Gross and Cabiness:

H. 1487. To provide for the payment of an allowance for the chairman of the board of revenue, court of county commissioners or like gov-

erning body of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal decennial census.

Also:

By Messrs. Roberts and Reynolds (Madison):

H. 1488. To amend Act No. 661, H. 1077, approved September 20, 1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, vol. II, p. 1003) so as to provide further for the appointment of assistant clerks and further for the compensation of the chief clerk, assistant clerks, and the judge of said court.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MADISON.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To amend Act No. 661, H. 1077, approved September 20, 1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, vol. II, p. 1003) so as to provide further for the appointment of assistant clerks and further for the compensation of the chief clerk, assistant clerks, and the judge of said court.

Be It Enacted by the Legislature of Alabama:

Sections 5 and 7 of Act No. 661, H. 1077, approved September 20, 1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, Vol. II, p. 1003) are amended to read respectively as follows:

"Section 5. The Chief Clerk of the Madison County Court shall be appointed by and hold office at the pleasure of the Judge of said Court. He shall receive a salary to be set by the Madison County Board of Commissioners at a sum not less than $3,600.00 payable in equal monthly installments out of the County Treasury upon his warrant drawn upon the County Treasury or other proper custodian. The Judge of said Court shall also be authorized to appoint assistant clerks of the Court who shall hold office at the pleasure of the Judge. The annual salary of such assistant clerks shall be such amount as the Board of County Commissioners or like governing body of the County prescribes, but not less than $2,400.00 and such salary shall be payable in equal monthly installments

out of the County Treasury of Madison County.

"Section 7. In the event of sickness or absence of the judge of said court, the presiding judge of the Circuit Court of Madison County or in his absence the judge of such circuit who is next in length of service, shall appoint a special judge to hold court during the absence of the regular judge. The compensation of the special judge shall be at the same rate as provided by the general law for special judges for the circuit court and such compensation shall be paid on such judge's warrant drawn on the proper custodian of county funds in the same manner that the regular judge's salary is paid. The sick or absent judge shall be paid in the same manner and amount as otherwise authorized in this Act; provided, however, that said judge shall not be entitled to pay in the event of absence except for good cause, to be determined by the County governing body."

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF MADISON.

Before me, the undersigned authority in and for said County in said State, this day personally appeared W. C. Lewis, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Secretary-Treasurer of the Huntsville Times, a newspaper of general circulation published in Madison County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 28, August 4, August 11, and August 18, all in the year 1961.

W. C. LEWIS,

Secretary-Treasurer.

Sworn to and subscribed before me August 19, 1961.

OPAL H. DILWORTH,

Title Notary Public.

Also:

By Messrs. Dunn and McCorquodale:

H. 1490. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF CLARKE.

Notice is hereby given that a bill substantially as follows will be in-

troduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the Town of Fulton in Clarke County are altered, rearranged, and extended to include within the corporate limits of the municipality the lands lying and being in Clarke County, Alabama, described as follows: All that portion of the NW¼ of SE¼ lying East of Bassett Creek, NE¼ of SE¼, W½ of NE¼, S½ of SE¼ of NE¼, and NW¼ of Section 1, and N½ of NE¼ of NE¼ of Section 2; all in Township 9 North, Range 3 East; E½ of SW¼, W½ of SE¼, and SE¼ of SE¼ of Section 27; NE¼, E½ of NW¼, E½ of SW¼, and N½ of SE¼ of Section 34; E½ of SE¼, NW¼ of SE¼, N½ of SW¼ of Section 35; and SW¼, W½ of SE¼, SW¼ of NE¼, and E½ of NW¼ of NE¼ of Section 36; all in Township 10 North, Range 3 East; and SW¼ of NW¼ and NW¼ of SW¼ of Section 6, Township 9 North, Range 4 East.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF CLARKE.

Before me, the undersigned authority in and for said County in said State, this day personally appeared C. D. Bozeman, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Thomasville Times, a newspaper of general circulation published in Clarke County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 23, all in the year 1961.

C. D. BOZEMAN.

Sworn to and subscribed before me August 23, 1961.

MARGARET B. OTTS,

Notary Public.

State of Alabama, at Large.

My commission expires: December 11, 1963.

Also:

By Mr. Speaks:

H. 1497. To alter, re-arrange and extend the boundaries of the Town of Maplesville.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF CHILTON.

Notice is hereby given that a bill substantially as follows will be introduced in the legislature of Alabama and an application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, re-arrange and extend the boundaries of the Town of Maplesville.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundary lines of the Town of Maplesville in Chilton County are hereby re-arranged and extended so as to include with in the corporate limits of said municipality, in addition to the territory now embraced within the present limits of the city, the following described lands lying and being in Chilton County, Alabama, to-wit: The north half of the southwest quarter, and the northwest quarter of Section 16, Township 21, North, Range 12; also, the east half of Section 17, Township 21 North, Range 12, also the east half of Section 20, Township 21 North, Range 12.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming law.

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF CHILTON.

Personally appeared before the undersigned, a Notary Public in and for said county and state, Mr. R. M. Tucker, Publisher of the Chilton County News, a newspaper published at Clanton, County of Chilton,

State of Alabama, who being duly sworn, states on oath that the advertisement, a true copy of which is hereto attached, was published in said newspaper in it's issues of: July 27, Aug. 3, Aug. 10, Aug. 17, 1961.

R. M. TUCKER.

Publisher.

Subscribed and sworn to before me this 22 day of Aug., 1961.

J. C. BURNETT,
Notary Public.

Also:

By Messrs. Merrill and Albea:

H. 1498. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

By Messrs. Roberts and Reynolds (Madison):

H. 1499. To authorize and make provision for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority, as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation

of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

Also:

By Messrs. Albea and Merrill:

H. 1501. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other place in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Also:

By Messrs. Brewer and Gilchrist:

H. 1502. Relating to the organization, jurisdiction and functions of certain Courts of Morgan County; revising the inferior court system of said county; establishing "The County Court of Morgan County, Alabama", defining its jurisdiction and powers, providing for its officers, their election; terms of office, powers, duties, and compensation, and for

costs and fees in such court, abolishing "The Morgan County Court" of Morgan County under the special laws creating it, providing for the transfer of all cases pending in said court to "The County Court of Morgan County, Alabama," and providing for juvenile detention facilities in Morgan County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MORGAN.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

Relating to the organization, jurisdiction and functions of certain courts of Morgan County; revisiting the inferior court system of said county; establishing "The Morgan County Court of Alabama", defining its jurisdiction and powers, providing for its officers, their election, terms of office, powers, duties, and compensation, and for costs and fees in such court, abolishing "The Morgan County Court" of Morgan County under the special laws creating it, providing for the transfer of all cases pending in said court to "The Morgan County Court of Alabama," and providing for juvenile detention facilities in Morgan County.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby established in and for Morgan County a court of limited jurisdiction, which shall be called "The Morgan County Court of Alabama."

Section 2. (a) "The Morgan County Court of Alabama" shall be a court of record and shall have and exercise the following jurisdiction, authority and powers:

(b) Exclusive jurisdiction of all causes against persons charged with misdemeanors, except that this act shall not restrict the criminal jurisdiction of Justices of the Peace. On all indictments returned by Grand Juries of Morgan County against parties charged with a misdemeanor, the clerk of this court shall issue capiases returnable to this court.

(c) Exclusive jurisdiction of all criminal cases appealed from the court of any Mayor, Recorder, Justice of the Peace, or Notary Public ex officio Justice of the Peace, and of bastardly proceedings provided for by Title 6, Code of Alabama, 1940, as last amended and recodified.

(d) Exclusive jurisdiction of all civil cases appealed from the court of any Justice of the Peace or Notary Public ex officio Justice of the Peace.

(e) Concurrent jurisdiction with the Circuit Court of Morgan County in all civil and equity matters.

(f) Unlimited jurisdiction concurrent with the Circuit Court of Morgan County in all civil and equity matters.

(g) It shall have power to issue any and all special and extraordinary writs that circuit courts or judges thereof are authorized to issue.

(h) It may exercise all other powers and authority that are, or that may hereafter be conferred upon the circuit courts or the judges thereof, including the power to punish for contempt, consistent with the jurisdiction conferred hereby.

(i) Exclusive jurisdiction of all matters cognizant before a juvenile court, including the powers and jurisdiction conferred on courts authorized to try matters provided for by law in Chapter 7, Title 13; Article 3, Chapter 4, Title 34; Chapter 6, Title 45; Chapter 11, Title 52; all, Code of Alabama, 1940, as last amended and recodified. Matters before the court relating to juveniles generally shall not be limited by statutes pertaining to juveniles, but shall be limited only by the general powers of equity courts as the law applies to equity courts in the exercise of their inherent jurisdiction to protect and care for children under the doctrine of parens patriae. Should any adult be charged with violation of the law in the juvenile division of said court, he shall be tried by the judge without the intervention of a jury. Should any adult defendant desire a jury trial, he shall demand a jury trial in writing prior to entering into trial on the merits of this cause, and after demand for jury trial has been made, the register of said court shall forthwith forward the warrants and complaint or affidavit to the clerk of this court, who shall place the case on the trial docket for the next ensuing jury term of the criminal division of said court. Appeals from the decisions and orders of this court in the juvenile division of same, shall lie directly to the Supreme Court or the Court of Appeals in the same manner as appeals from the orders and decisions of circuit courts of this state. A record of the evidence and testimony shall be made and maintained in juvenile cases in the same manner as in the equity cases tried before said court. Costs in juvenile cases in this court shall be taxed as they are taxed in circuit courts in equity on appeals from Probate Courts exercising juvenile jurisdiction in accord with Chapter 7, Title 13, Code of Alabama, 1940, as last amended and recodified. No costs shall be taxed in non-support cases.

Section 3. (a) All laws and rules of practice with reference to process, pleading and practice, and the drawing of juries in the several proceedings in the circuit court shall be applicable to this court, and all statutes and rules of practice pertaining to county courts and to the circuit court shall be applicable to criminal causes pending in this court.

(b) Prosecutions for misdemeanors committed in Morgan County may be instituted in Morgan County by making an affidavit before the Judge or the Solicitor of said Court, the writ on said affidavit to be issued by the Clerk, Solicitor or Judge of said court, and when the defendant is arrested on said affidavit, the cause shall be docketed for trial and be tried as though the defendant has been indicted by a Grand Jury. Justices of the Peace and all Officers or Magistrates having the powers of Justices of the Peace in Morgan County shall have authority to issue warrants returnable to said court, and it shall be their duty in such cases to forthwith transmit the affidavits, warrants and bonds to the clerk of said court, which causes shall be placed upon the docket and tried in the same manner as if the same had been returned by indictment of a Grand Jury.

(c) Appeals from judgments of said court in all law, equity, criminal and juvenile cases shall be taken directly to the Supreme Court or the

Court of Appeals in the same manner and within the same time that appeals are now taken from judgments in such cases in the circuit courts of this state.

(d) The Supreme Court and the Court of Appeals of this state shall have supervisory jurisdiction over this court in the same manner as over circuit courts. The judge and solicitor of said court may be removed from office in the same manner as is provided for the removal of circuit judges and circuit solicitors. The Chief Justice of the Supreme Court of Alabama may when he deems proper, by order spread upon the minutes of said court, designate any circuit judge to hold said court or to try any cause pending in said court.

(e) Vacancies in any office created hereby, unless otherwise provided herein, shall be filled by appointment of the Governor, and persons so appointed shall hold office as required by the Constitution of this state.

Section 4. (a) A judge of the court herein established shall be elected by the qualified electors of Morgan County at the general election of 1964. His term shall be for six years, from the second Tuesday after the First Monday in January, next following his election, and until his successor is elected and qualified.

(b) The first judge of the court created hereby shall be the person holding office as the Judge of "The Morgan County Court" when the same is abolished by this act, and he shall hold office until his successor is elected or appointed and assumes office as provided herein.

(c) The judge of this court shall receive a salary of Eight Thousand Nine Hundred Dollars per annum, payable in equal monthly installments at the end of each month out of the county treasury.

(d) The judge of said court shall be a qualified elector of Morgan County, shall be learned in the law, shall be of the age of 25 years or over, and shall not engage in the practice of law while in office.

(e) The judge of this court shall keep an office in the courthouse of Morgan County, and it shall be the duty of the Board of Revenue and Control of Morgan County, Alabama, to provide such an office, and supply the same with necesary furnishings, fixtures, stationery, and supplies.

Section 5. (a) There shall be a solicitor of this court, who shall be elected by the qualified electors of Morgan County at the general election of 1962. His term shall be for four years from the second Tuesday after the first Monday in January next following his election, and until his successor is elected and qualified.

(b) The first solicitor of the court created hereby shall be the person holding office as solicitor of "The Morgan County Court" when the same is abolished by this act, and he shall hold office until his successor is elected or appointed and assumes office as provided herein.

(c) The solicitor of this court shall receive a salary of Four Thousand Eight Hundred Dollars per annum, payable in equal monthly installments at the end of each month out of the county treasury.

(d) The solicitor of this court shall be a qualified elector of Morgan County, shall be learned in the law, shall be of the age of 25 years or over. He shall not, nor may any member or associate of his law firm, engage in the defense of criminal cases in any court in this state, either

state or federal, while he is in office.

(e) It shall be the duty of the solicitor of this court to prosecute all criminal and juvenile cases pending in this court and to attend upon the sessions of the Grand Juries of Morgan County, Alabama. He shall further assist the circuit solicitor in all matters concerning criminal causes arising in Morgan County when so requested by the circuit solicitor.

Section 6. (a) The judge of said court shall appoint a competent person to serve as probation officer of the juvenile division of said court, who shall hold office at the pleasure of the judge. The probation officer shall be an officer of the court and shall not be related to the judge within the fifth degree.

(b) It shall be the duty of the probation officer to assist the court in the rehabilitation of children made wards of the Court and of the State of Alabama, and any other children or persons who are proper subjects of this courts juvenile jurisdiction. The probation officer shall supervise persons placed on probation by the court in its capacities as a juvenile court, and investigate cases involving dependency and neglect, deliquency, non-support, and related areas involving the welfare of juveniles and their families, and make proper reports to the court as requested by the judge or solicitor.

(c) The probation officer shall receive a salary prescribed by the judge, but not in excess of, Four Thousand Eight Hundred Dollars per annum, payable in equal monthly installments out of the county treasury, on the certificate of the judge of this court at the end of each month.

Section 7. (a) There is created hereby a Board of Juvenile Supervision to be composed of the judge of this court, the chairman of the Morgan County Board of Revenue and Control, and the Director of the Morgan County Department of Pensions and Security, or their respective successors in office. It shall be the duty of said Board to administer local detention facilities provided by the county for the purpose of housing temporarily, children who are delinquent, dependent or neglected children within the meaning of the law pending the proper disposition of the cases involving said children by the court, to the end that incarceration of juveniles in the jails of this county may be avoided.

(b) It shall be the duty of the Morgan County Board of Revenue and Control to appropriate a reasonable sum of money each year out of the treasury of said county to acquire, provide for, and maintain proper juvenile detention facilities in Morgan County for the temporary shelter and care of dependent and neglected children and the detention of delinquent children until such time as appropriate orders may be made by the court for the transfer of said children to the proper state school for delinquent, or to the Morgan County Department of Pensions and Security in the case of dependency and neglect. Said facilities shall be located in Morgan County and shall in each instance, be occupied by a man and woman of lawful relationship and good moral character who shall supervise, care for, and feed wards of the court committed to said facilities, and shall serve at the pleasure and under the direction, of said Board of Juvenile Supervision. Such facilities shall be completely separate and apart from any jail or penal institution provided by said county for the incarceration of adults.

Section 8. The clerk of the circuit court of Morgan County shall be ex officio clerk of this court, and shall have the powers and discharge

the duties which devolve upon the clerk of the circuit court, except in equity cases, and shall be subject to the same pains and penalties with regards to duties of the office, and shall be entitled to same fees which are now, or hereafter allowed the Circuit Clerks of Alabama, and the same shall be collected as such fees are collected in the circuit court, and the deputy clerk of the circuit court of Morgan County shall be ex officio deputy clerk of this court, and exercise the same powers and duties as are exercised in the circuit court by such deputy clerk.

Section 9. (a) The register of the circuit court of Morgan County shall be ex officio register of this Court, and as such ex officio register, shall have the same powers and discharge the same duties which devolve upon the register of the circuit court, and shall be subject to the same pains and penalties with regards to duties of the office, and shall be entitled to the same fees as are now or hereafter allowed the register of the circuit court, and the same shall be collected as such fees are collected in the circuit court.

(b) All juvenile cases shall be docketed and recorded in the office of the register of this court, and where fees for costs are allowed herein, or by the general laws of the State of Alabama, he shall collect and receive the same. No costs shall be taxed in non-support cases.

Section 10. The judge of said court shall appoint a competent shorthand reporter to perform the duties of official court reporter of said court, who shall hold office at the pleasure of the said judge and who shall receive a salary prescribed by the judge, but not in excess of Four Thousand Eight Hundred Dollars per annum, payable in equal monthly installments out of the county treasury on the certificate of the judge of the said court at the end of each month. In all criminal cases and causes pending on the law side of said court, there shall be taxed as a part of the cost a reporter's fee of $3.00 on each case, to be collected as other costs and paid by the clerk of the said court into the county treasury for the benefit of the general fund. The said court reporter shall have authority to administer oaths, and shall be an officer of the court, and shall not be related to the judge of the said court within the fifth degree. The reporter shall also serve as secretary to the judge.

Section 11. The said court shall be held at the courthouse of Morgan County, and shall be open at all times for the trial of cases and the transaction of business. In the case of sickness or disqualification of the judge of said court, the law applicable to the appointment and service of special judges in the circuit court shall apply. The judge and the solicitor of this court shall be subject to the same penalty for failure to attend upon the court as circuit judges and solicitors of this state.

Section 12. The judge of said court may determine and fix the time of holding the session of said court for the trial of all cases triable in said court, provided that the judge of said court shall designate and set a term or session of said court at least once a year, by entering and making an order upon the minutes of said court; provided however, that the judge of said court may call and hold as many special, extra, or adjourned sessions of said court as in his judgment is necessary

Section 13. The sheriff of Morgan County shall in person, or by a deputy or deputies appointed by him, said appointment to be approved by judge of this court, be required to attend said court and preserve order and execute all writs of process and perform all such other duties in all respects as in the circuit courts of this state, and for himself and each

deputy required for attendance at sessions of said court, he shall receive the sum of $3.00 per day, payable out of the county treasury upon his warrant approved by the judge, provided that the sheriff and his deputies shall not receive pay except for the time that the court is actually in session, and none of which compensation to the deputies shall be shared in by the sheriff.

Section 14. The clerk and the register of this court shall each have and maintain an official seal of this court.

Section 15. All laws pertaining to costs and fees in cases in the circuit court and criminal cases in the county court as provided by the general laws of this state shall be applicable to this court except as herein otherwise provided. A trial tax of $2.00 is imposed in each case, criminal and civil both at law and equity, excepting juvenile cases, which is docketed in said court to be taxed and collected as other costs in said court, and when collected, to be paid into the county treasury for the benefit of the general fund.

Section 16. Act No. 415, H. 665, approved September 24, 1919 entitled "An Act to establish a county court for Morgan County, to define its jurisdiction and power, to provide for its officers, their powers, duties and compensations, to provide that the said court shall be open at all times for the trial of cases and transaction of business, prescribing rules and procedures of said court, and to provide for the transfer of certain causes now or hereafter pending in the circuit court of Morgan County to the Morgan County Court" and all other acts, the subject of which is to amend or modify the act above entitled, are hereby repealed and "The Morgan County Court" as created and amended thereby is hereby abolished.

Section 17. All cases and causes pending in "The Morgan County Court" including law, equity, criminal and juvenile cases, together with the records pertaining to such pending cases shall be transferred to "The Morgan County Court of Alabama" on the effective date of this act, and thereupon "The Morgan County Court of Alabama," shall immediately after this act becomes effective, assume complete jurisdiction over all such pending cases, and shall have the same power and control over these cases as if they had been originally filed in "The Morgan County Court of Alabama."

Section 18. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 19. This act shall become effective on October 1, 1961, following its approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF MORGAN.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first

duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 2, August 9, August 16, and August 22, all in the year 1961.

B. C. SHELTON.

Sworn to and subscribed before me this 22nd day of August, 1961.

R. H. JERVIS,
Title Notary Public.

My Commission expires Oct. 16, 1961.

Also:

By Messrs. Brewer and Gilchrist:

H. 1503. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,
COUNTY OF MORGAN.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Decatur, in Morgan County, Alabama, be and the same are hereby extended so as to include, in addition to the territory now embraced therein, the following described property, to-wit:

A tract of land containing 59.72 acres, lying in the E½ and the NE¼ of the NW¼ of Section 31, Township 5 South, Range 4 West, described as follows: Beginning at the northeast corner of the NW¼ Section 31, Township 5 South, Range 4 West, said point being a corner of the south corporate limit line of the City of Decatur, and running

east along the north line of Section 31, for a distance of 1341.20 feet to a point; thence turning an angle of 90 degrees and running south 517.39 feet to a point; thence turning an angle of 90 degrees and running east 1092.53 feet to a point on the westerly right of way line of the L & N Railroad; thence turning an angle of 98° 49' measured counter clockwise from back tangent and running southeasterly along said right of way 833.50 feet to a point; thence turning an angle of 81° 11' measured counter clockwise from back tangent and running west 2244.93 feet to a point; thence turning an angle of 90° and running north 628.26 feet to a point; thence turning an angle of 85° 27' measured clockwise from back tangent and running westerly 431.16 feet more or less to the center line of a public road; thence running northerly along the center line of said public road to the point of beginning.

Section 2. This Act shall be effective immediately upon its passage and approval by the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF MORGAN.

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, August 5, August 12, and August 19, all in the year 1961.

B. C. SHELTON.

Sworn to and subscribed before me this August 19th, 1961.

R. H. JERVIS,

Title Notary Public.

My Commission expires Oct. 16, 1961.

Also:

By Mr. Hearn:

H. 1505. To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than forty-five thousand (45,000) nor more than fifty thousand (50,000) inhabitants according to the last or any subsequent Federal decennial census.

Also:

By Mr. Ray:

H. 1506. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corpora-

tion, so as to annex certain territory to the City.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given that a bill will be introduced in the Legislature of Alabama at the regular session, 1961, and application made for its passage, substantially as follows, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the City.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the City of Haleyville, a municipal corporation, in Winston County, Alabama, are hereby altered, rearranged, and extended so as to include within the corporate limits of the City, in addition to the territory now embraced therein, the following contiguous territory, to-wit:

Commencing at the southeast corner of the northwest quarter (NW¼) of northeast quarter (NE¼) of section thirty (30), township nine (9) south, range ten (10) west, in Winston County, Alabama (which point of beginning is on the present boundary or corporate limit of the City of Haleyville); thence west along the south boundary of said forty and present corporate limit of the City of Haleyville, Alabama, to the center of the right-of-way of Winston County road No. seven (7), otherwise known as S.A.C.P. 185-A; thence in a northerly direction along the center line of the right-of-way of said road to the north boundary line of said forty; thence east along the north boundary line of said forty to the northeast corner thereof; thence south along the east boundary line of said forty to the point of beginning.

Section 2. All laws and parts of laws in conflict herewith are, to the extent of such conflict, hereby repealed.

Section 3. This act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA,

COUNTY OF WINSTON.

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jay Thornton, who, being by me

first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Advertiser, a newspaper of general circulation published in Winston County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 1, Aug. 8, Aug. 15, and Aug. 22, all in the year 1961.

JAY THORNTON.

Sworn to and subscribed before me August 22, 1961.

R. J. THORNTON,

Title Notary Public.

Also:

By Messrs. Oakley and Nettles:

H. 1508. To alter, rearrange and extend the boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, so as to annex certain territory to the town.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange and extend the boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, so as to annex certain territory to the town.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, are hereby altered, rearranged and extended so as to include within the corporate limits of the town the following described territory in addition to the area now embraced within such boundaries and corporate limits to-wit:

Commence at the SW corner of SE¼ of SW¼ of Section 17, T. 12, R. 8, thence North 42½ degrees West 54 links to and for the place of beginning; thence North 63½ degrees East along Bridgeport Road 7 chains and 16 links to a stake, thence North 12 chains and 90 links to a stake, thence West 6 chains and 99 links to a stake on the line between land of W. A. Dexter, now deceased, and land hereby described, thence South 13 chains and 30 links to a point, thence South 12 degrees East 2 chains and 88 links to place of beginning, containing in all ten (10) acres, more or less; all in said Section 17, T. 12, R. 8, Wilcox County, Alabama.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA.

COUNTY OF WILCOX.

Before me, the undersigned authority in and for said County in said State, this day personally appeared Edwina LeCroy, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Wilcox Progressive Era, a newspaper of general circulation published in Wilcox County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on Aug. 3, Aug. 10, Aug. 17, and Aug. 24, all in the year 1961.

EDWINA LeCROY.

Sworn to and subscribed before me August 24, 1961.

ELEANOR H. HAYS,

Title Notary Public.

Wilcox Co., Ala.

Also:

By Mr. Johnston (Leonard):

H. 1509. To regulate the compensation of deputy sheriffs in counties having populations of not less than 28,000 nor more than 30,550 according to the last or any subsequent federal decennial census; and providing for the payment thereof.

Also:

By Messrs. Goldthwaite, Bailey and Pierce:

H. 1510. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering and in lien of its judgments.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MONTGOMERY.

Notice is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering, and in lien of its judgments.

Be It Enacted by the Legislature of Alabama:

Section 1. That there is hereby created and established an inferior Court for Montgomery County. Such Court shall be known as and be called the Montgomery County Court.

Section 2. That said Inferior Court, known as the Montgomery County Court, shall have jurisdiction in all civil matters of which justices of the peace have jurisdiction under the general laws of the State throughout the County of Montgomery. Said Court shall have and exercise original and final jurisdiction of all misdemeanors committed in Montgomery County concurrent in such misdemeanor cases with the jurisdiction now conferred by law or that may be conferred hereafter by law upon the circuit courts of this State, except as may be herein otherwise provided, and said Court shall have preliminary jurisdiction in all felony cases committed in said county, that is now or may be hereafter conferred by law upon justices of the peace. Affidavits may be taken and warrants issued by justices of the peace in the respective precincts of said county where such justices of the peace have jurisdiction to issue such warrants returnable to the said Court hereby created. Said Court, except as is otherwise provided in this Act, shall conform to and be governed by the rules of practice and procedure, and shall have the same power and authority as is now or may be hereafter conferred by law upon justices of the peace of this State in all cases wherein the defendant is charged with a felony; and in all cases wherein the defendant is charged with a misdemeanor, such Court shall have the same power and authority, and shall conform to and be governed by the rules of practice and procedure, evidence and punishment as govern circuit courts and courts of like jurisdiction of this State.

Section 3. That in addition to the power and jurisdiction hereinabove conferred upon said Court, it shall have the power and authority and is hereby given jurisdiction to sentence to hard labor for the payment of fine and costs.

Section 4. That in all civil cases arising in Montgomery County, wherein the amount involved does not exceed two hundred fifty dollars or the value of the property sued for in an action of detinue does not exceed two hundred fifty dollars; and in all cases of forcible entry and detainer and unlawful detainer cognizable in said county, the said Court shall have and exercise final jurisdiction but it shall not have jurisdic-

tion to try and determine actions of libel, slander, assault and battery, ejectment or actions in the nature of ejectment.

Section 5. That said Court shall have jurisdiction of all bastardy cases or proceedings in said county, and all laws now in force or that may be hereafter enacted relating to bastardy proceedings before justice of the peace shall apply to and be in force in said Court, and the same rules of procedure before justices of the peace in this State shall also apply in said Court.

Section 6. That the Judge of said Court shall have been a resident of Montgomery County for at least five years at the time of his election or appointment and shall reside in said county during his continuance in office. He shall be at least twenty-five years of age, shall be learned in the law, and shall not, during his term of office, practice law in any of the courts of this State or of the United States.

Section 7. That the Honorable Alex A. Marks is named and designated and shall be commissioned by the Governor as Judge of this Court and shall hold said office until his successor is elected and qualified as provided in this Act.

Section 8. That the term of office of the Judge of this Court who shall be elected by the qualified electors of Montgomery County at the general election for State and County officers in the year 1966, shall be for six years from the first Monday after the second Tuesday in January, 1967, and every six years thereafter and until his successor is elected or appointed and qualified.

Section 9. After the election of such Judge, the Governor shall issue to him a commission, and such Judge, before entering upon the duties of his office, shall take the oath of office in form required by law to be taken by the judges of the circuit courts of this State, and any Judge of this Court shall be removable for the same causes and in the same manner now provided by law for the circuit judges of this State. In cases of a vacancy caused by resignation, removal or death of such Judge. or other causes, the Governor shall fill the vacancy by appointment, and the person so appointed shall hold office as provided in the Constitution of this State. In case the Judge of this Court shall be unable at any time to discharge the duties of the office from any cause whatsoever, he shall make an order, when the facts warrant it, stating the cause of the inability and said order shall be entered upon the minutes of the Court. Thereupon the Judge of the said Court shall designate some practicing attorney learned in the law, and resident of Montgomery County, to act as special judge during the continuance of such disability. The said person so designated by the said Judge of said Court shall perform all the duties and exercise all of the powers and authority of the Judge of said Court, and hold such office until the regular Judge of said Court shall be able to resume the duties of the office. While so acting such special judge shall receive the same compensation for each day he is holding court as the regular Judge of this Court, which compensation shall be paid out of the county treasury upon a warrant drawn by the Judge of this Court showing that said special judge has performed the duties of his office for the period of time he has served as such special judge. If for any reason the Judge of this Court is unable to appoint a special judge, he shall be appointed by the clerk of this Court hereinafter provided for.

Section 10. That the salary of the Judge of this Court shall be nine

thousand (9,000.00) dollars per annum, payable in equal monthly installments out of the general fund of the treasury of Montgomery County, upon warrants drawn upon the county treasury, in the same manner as the salaries of the other county officers are now paid.

Section 11. That the Judge of said Court shall appoint a clerk who shall hold office during the term for which said Judge was elected or appointed. Said clerk shall give a bond in a penal sum of not less than Ten Thousand Dollars ($10,000.00) payable to the County of Montgomery, and conditioned to faithfully perform the duties of his office, and said bond shall be filed in the office of the probate judge of Montgomery County and must be approved by him. Upon said bond there shall be the same liabilities and remedies as upon the bonds of the circuit court clerks of this State. It shall be the duty of said clerk to keep all the records and files of said Court in an orderly manner. The Court shall also have a seal which the clerk shall keep in the office of the clerk of said Court. The clerk of said Court shall have the power and authority to administer oaths and take acknowledgements and affidavits in all cases in which oaths, acknowledgements and affidavits are required or permitted by law, and to sign and issue all processes issuing out of said Court, including warrants, affidavits, summons, subpoenas, writs, executions, commitments, and releases of said Court. The clerk shall also have the power and authority to take acknowledgements of conveyance, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant issued by said clerk; and to issue any and all other processes necessary for the conduct of the business of the said Court, and to approve all bonds in civil and criminal cases, and to enter all judgments and orders of said Court; and he shall certify all appeals, certiorari and transcripts; but all judgments and orders of said Court shall be signed by the Judge thereof. For the services of the clerk in taking affidavits and issuing warrants the clerk of said Court is entitled to the same compensation now, or which may hereafter be, allowed by law to justices of the peace of this State. In addition to the powers hereinabove conferred upon said clerk, he or she shall have the power to issue peace warrants for a breach of the peace and search warrants to be executed either in the day time or night time, and he or she shall also have all the powers and authority, ministerial and judicial, now, or which may hereafter, be, vested in clerks of the circuit courts of this State. The salary of said clerk shall be payable in monthly installments out of the general fund of the treasury of Montgomery County, upon warrants drawn upon the certificate of the Judge of said Court that said clerk has performed the duties of his office for such month, the amount of such salary to be fixed from time to time by the Personnel Board of the City and County of Montgomery, so long as said Personnel Board shall continue to exist, and thereafter by the Board of Revenue of Montgomery County.

Section 12. That the clerk of said Court shall keep a docket of civil cases in which must be entered all civil actions brought in said Court, the names of the parties, the character of the action, the name of the attorney by whom brought, and the sheriff's return, and in which must be entered all judgments and orders of the Judge of said Court. The clerk shall also keep a criminal docket in which must be entered all criminal cases in their order, showing the nature of the offense, the return of the sheriff, the amount of bail and the orders and judgments showing the disposition of all cases. The clerk shall also keep in said dockets, both civil and criminal the names of all witnesses subpoenaed, the date of such subpoenas and the sheriff's return thereon. The clerk shall show on said dockets every execution that has been issued and the date thereof, the amount of the costs, and all other matters that

may be necessary to keep a perfect record at all proceedings had in said Court. All the records and files of said Court shall be open to the public for inspection free of charge.

Section 13. That the Judge of said Court shall appoint a deputy clerk of said Court who shall hold office in like manner and for the same term as the clerk of said Court. Such deputy clerk shall have and exercise all the rights, duties and powers of the clerk of said Court, and he or she shall give bond conditioned and payable as the bond of the clerk of said Court, which bond shall be in a penal sum of not less than Five Thousand Dollars ($5,000.00) and filed in the office of the judge of probate of Montgomery County and approved by him. The premiums on the bonds of the clerk and deputy clerk shall be paid by the County of Montgomery. The salary of said deputy clerk shall be payable in monthly installments out of the general fund of the treasury of Montgomery County, upon warrants drawn upon the certificate of the Judge of said Court that said deputy clerk has performed the duties of his office for such month, the amount of such salary to be fixed from time to time by the Personnel Board of the City and County of Montgomery, so long as said Personnel Board shall continue to exist, and thereafter by the Board of Revenue of Montgomery County.

Section 14. Neither the Judge of said Court, clerk, deputy clerk, nor other personnel shall receive any other compensation than the salaries herein provided to be paid to them, and all fees, fines and forfeitures must be paid to the Board of Revenue of Montgomery County or to the State of Alabama as provided by law.

Section 15. That from all final judgments rendered in civil cases by the Judge of this Court either party shall have the right of appeal to the circuit court of Montgomery County, and from convictions in this Court in criminal cases the defendant shall have the same right of appeal to said circuit court. All appeals from this Court to the circuit court shall be governed by the laws relating to certiorari and appeals from the courts of justices of the peace of this State, except that an appeal or certiorari from this Court must be taken within fifteen days from the rendition of any final judgment of this Court.

Section 16. That no trial or prosecution shall be instituted in this Court by indictment by any grand jury, but all trials or prosecutions in this Court shall be begun upon an affidavit and warrant. All trials of misdemeanors in this Court shall be without a jury, and no trial by jury can be demanded. The Judge of this Court shall determine both the law and the facts and shall award the punishment which the character of the offense demands. No statement of the offense need be made other than that contained in the affidavit and warrants of arrest. If the defendant sees fit to appeal from a judgment of conviction by this Court, a jury trial may be demanded at the time of taking such appeal to the circuit court and the case shall be tried in the circuit court de novo as is now provided by law and shall be governed in all respects by the rules and regulations as now provided by law, or which may hereafter be provided by law in the trial of cases appealed from the courts of the justices of the peace of this State.

Section 17. That whenever there is any defect or other objection found in the validity or sufficiency of any affidavit, complaint, or warrant pending in such Court, the solicitor or other person prosecuting for the State shall have the right to amend said warrant to which objection is

found and make the same sufficient. The Judge may also cause the clerk of said Court to issue a new warrant and affidavit for the prosecution of said cause.

Section 18. That all proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest shall be the same in this Court as are now or may be hereafter provided for by law. Conditional judgments may be set aside therein, reduced or made absolute, and the same orders and judgments made and taken in such matters as could be made or taken in the circuit courts of this State, and the same procedure shall be followed.

Section 19. That when a fine is assessed said Court may allow defendant to confess judgment, with good and sufficient sureties, for the fine and costs, as provided by the general laws of this State. Execution may issue for the fine and costs, or any portion thereof remaining unpaid the same as in civil cases. The clerk may issue execution against the defendant and his sureties on all confessions of judgment after the time fixed for the payment of same in the order of the Court, said execution to be returnable within ninety days after the issuance thereof. Immediately after the execution is delivered to the Sheriff of Montgomery County the same shall be a lien on all the property of the defendants in said execution, and it shall be the duty of the sheriff to collect such execution in the time stated therein.

Section 20. That in any prosecution in this Court, if it appears to the Court to be malicious or frivolous, the Court may tax the prosecutor or the person who made the affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same with good and sufficient sureties, and failing to do so, or to pay the same presently, he may be imprisoned in the county jail or sentenced to hard labor for the County for not exceeding ten days.

Section 21. That all general laws relating to misdemeanors now in force, or that hereafter may be enacted shall apply to and extend to this Court, unless the contrary be expressly provided or limited by this Act. The Judge of this Court shall have discretionary power and authority to dismiss any misdemeanor prosecution upon the payment of costs by any defendant charged with a misdemeanor in said Court.

Section 22. The Judge of this Court in addition to the powers conferred by this act, shall have authority to take acknowledgements and proofs of all deeds of conveyance required by law to be recorded and certify the same for registration; to perform marriage ceremonies the same as the circuit judges of this State; to administer oaths and take affidavits in all cases in which oaths and affidavits are required by law; to issue search warrants, to take recognizances, admit to bail, approve bail bonds in and out of court, and do every act and issue every process. mense or final, necessary to effect the due administrations of the laws in cases of offenses, jurisdiction of or powers over which are conferred by this Act; to correct after final judgment any error in judgment or process upon the whole record; to secure parties or privies in their rights against any oppression or abuse of execution, or other process, or upon any release, discharge or payment after judgment.

Section 23. That the solicitor of the circuit court of Montgomery County or the assistant solicitor shall be required to attend said Court,

and shall be the prosecuting officer therein; and shall, also represent the State in all preliminary trails for felony in such Court. For every conviction of a misdemeanor in said Court where the defendant pleads not guilty and goes to trail there shall be taxed and collected as part of the costs in each case the same solicitor's fees provided for convictions in such cases in the circuit courts of this State, but no solicitor's fees shall be taxed or charged in any case where the defendant pleads guilty and pays the fine and other costs assessed by the Court.

Section 24. That the Judge of said Court shall have the power to punish for contempt in all cases where judges of the circuit courts of this State can punish for contempt by a fine of not exceeding fifty dollars and by imprisonment in the County jail for not exceeding five days, either or both.

Section 25. That it shall be the duty of the clerk of said Court after the lapse of fifteen days from the rendition of any final judgment in any civil suit therein, if an appeal is not taken, unless otherwise directed by the court, to issue executions on all judgments in favor of the successful party, which must be signed by the clerk, dated on the day it was issued, and made returnable not less than twenty nor more than sixty days from date of its issue and the clerk shall place the same in the hands of the sheriff; alias writs shall be made returnable in like manner.

Section 26. Upon the rendition of judgment, execution may be issued by leave of the Court before the time described in Section 25 of this Act for the issuance of executions if the plaintiff, his agent or attorney shows sufficient cause thereof by affidavit, but the defendant is not prevented thereby from moving for a new trial nor deprived of any other right that he would otherwise have had.

Section 27. That all processes of whatever nature or kind issued out of said Court shall be directed "To any Sheriff of the State of Alabama," who shall either by self or deputy execute the same with diligence. Provided, however, in any civil case or matter service of any process or processes issuing out of this Court may be by certified mail in lieu of any other service of process now or hereafter provided for by law. The procedure for service of process by certified mail under this Act shall be the same as now provided for under the general law for service by certified mail in lieu of registered mail, expect that service of process under this Act by certified mail shall not be limited to cases and matters in which service is authorized by registered mail. Where service is to be by certified mail the clerk of the Court shall require the party for whose benefit the process is issued to deposit with him sufficient funds to pay the mailing costs and postal fees.

Section 28. That the sheriff of said County shall in person or by his deputy or deputies attend on such Courts at all times when the same is in session, to preserve order, to execute it's processes, and to perform such other duties in all respects as is required by the circuit courts of this State, and he shall furnish all such other subordinate officers as may be necessary to expedite the business of said Court, the same as are required under the laws governing him as an officer of the circuit court. The Judge of such Court shall have authority to exercise general supervision of the sheriff and his deputies that they may attend strictly to the prompt and dilligent discharge of their duties in all matters pertaining to the proper dispatch of the business of the Court and the preservation of order therein.

Section 29. That the sheriff shall receive for his services in said Court, in civil and in criminal cases the same fees as are now or may hereafter be provided by law for similar services in the circuit courts of this State, to be taxed as costs in such cases. The fees allowed the sheriff and witnesses shall be paid directly to them.

Section 30. That the same fees and costs that are now or may hereafter be allowed by law to justices of the peace in all civil and criminal cases shall be taxed and collected by the clerk in such cases in said Court in the same manner as is now or may hereafter be provided by law for taxing and collecting costs in the courts of justices of the peace in this State, and when collected shall be paid by the clerk of said Court once a month into the treasury of said county: provided that in civil cases for summons and proceedings thereon to judgment, if judgment be for more than one hundred dollars the fee shall be one dollar and fifty cents.

Section 31. That said Court shall be held in the County Court House of Montgomery County and the Board of Revenue of said County shall provide suitable and adequate rooms for the Court and its officers, and shall supply them with all necessary records, books, files, stationery, stamps used for official business, typewriters, telephones, or other proper facilities for the efficient discharge and performance of the work and duties of the Court and its officers. The Board of Revenue of said County shall also pay the salary or salaries of clerical personnel in addition to the clerk and deputy clerk of this Court provided for in Sections 11 and 13 of this Act, when in the opinion of the Board of Revenue of said County, after request therefor by the Judge of said Court, such additional clerical personnel is needed for the efficient discharge and performance of the work of the Court and its officers; such additional clerical personnel to be paid a salary or salaries to be fixed by the Personnel Board of the City and County of Montgomery, and be subject to all the pertinent rules and regulations of the said Board governing employees of Montgomery County, so long as the said Personnel Board shall continue to exist, and thereafter the salary or salaries of such additional clerical personnel shall be as determined by the Board of Revenue of Montgomery County.

Section 32. The Judge of said Court shall be deemed a county officer within the meaning of the general election laws and other laws of this State and such general election laws shall govern the election of such Judge, unless otherwise provided in this Act.

Section 33. That said Court may at the discretion of the Judge on each secular day open for business, and render judgments by default, nil dicit, or other judgments at any time after ten o'clock of each day: and for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged can not give bond or security for their appearance at the regular term of such Court, and who desire an immediate trial. All processes of such Court, where no time is fixed therein, shall be returnable at ten o'clock a.m. of the return day; provided, however, that each calendar month shall constitute a term of such Court; and the Judge of such Court shall have the power and authority to set aside certain days during the term for the trial of civil and criminal cases; and causes may be continued for good cause shown until the next succeeding term of said Court. But nothing herein contained shall be construed as to prevent or interfere with the regular terms of such Court. The Judge of said Court may at his pleasure adjourn Court for a period not exceeding one month in any one year, and all cases set for

trial during such period may be carried over or continued during said adjourned term.

Section 34. That the fees of witnesses of said Court shall be fifty cents a day and five cents a mile for each mile traveled to and from the Court and place of residence of the witnesses by the usual traveled route, and shall be paid in misdemeanor cases in the same manner in which said fees are now paid in the circuit court of the State. The fees of all witnesses in all criminal cases where no conviction is had shall be governed by provisions of law applying to similar services in the Circuit Courts or in preliminary hearings.

Section 35. That when a forfeiture has been taken against a defendant and the sureties of this bail bond, it shall be the duty of the clerk to issue an alias warrant for the arrest of the defendant, upon which the same proceeding shall be had as upon the original warrant.

Section 36. That the owner of any judgment rendered by said Court for twenty-five dollars or over, may file in the office of the judge of probate of Montgomery County or of any other county of this State a certificate of the clerk of said Court under the same procedure, and in the same manner as is now or may hereafter be provided for filing judgments of the circuit courts of this State; and when so filed such judgments shall be a lien in the county where filed, on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment, shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declaration of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The clerk shall be entitled and allowed the same fees as are now allowed by law for the issuing of certificates of judgment in the circuit courts of this State. All judgments in civil cases rendered by this Court shall be barred within ten years after the rendition thereof unless renewed or revived under proper proceedings as is now or may hereafter be provided by law.

Section 37. That the same provisions in reference to filing of interrogatories to parties to suits and the same provisions in reference to taking of depositions as now or may hereafter be provided for in the filing of interrogatories and the taking of depositions in the circuit courts of this State, shall apply to the filing of interrogatories and the taking of the depositions in this Court.

Section 38. That if for any reason any section, clause, or provisions of this Act shall be declared invalid or unconstitutional, it shall not be deemed or held to affect any other section, clause, or provision, but the same shall remain in full force and effect.

Section 39. That all laws, whether local, general, or special, in conflict with the provisions of this Act be, and the same are hereby repealed, insofar as they may conflict with the provisions of this Act.

Section 40. That this Act shall take effect on the first day of October, 1961.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Guyton Parks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of The Alabama Journal, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, August 5, 12, 19, all in the year 1961.

GUYTON PARKS,

Business Manager.

Sworn to and subscribed before me 21st day of August, 1961.

T. A. HARDY,

Notary Public Montgomery County Alabama.

Also:

By Messrs. Goldthwaite, Bailey, Goodwyn and Pierce:

H. 1511. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF MONTGOMERY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 168, H. 287, approved March 15, 1939, entitled "An Act To create, establish and regulate an Inferior Court or Court of Common Pleas for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and for the transfer of cases to the court hereby created; and to provide for registering, and in lien of its judgments; and to abolish justices of the peace in all precincts lying within or partly within the City of Montgomery," (Local Acts of 1939, p. 87) as amended, is further amended, revised and re-enacted to read as follows:

"Section 1. There is hereby created and established an Inferior Court for Montgomery County. Such Court shall be known as and be called the Court of Common Pleas of Montgomery. All justices of the peace of the precincts lying within or partly within the city limits of the City of Montgomery are hereby abolished and all Courts heretofore created in lieu of such justices of the peace are hereby also abolished, and the jurisdiction heretofore exercised by such justices of the peace and the Courts hereby abolished is hereby conferred upon the inferior court created by this act.

"Section 2. Said inferior court, known as the Court of Common Pleas of Montgomery, shall have jurisdiction in all civil matters of which justices of the peace have jurisdiction under the general laws of the State throughout the County of Montgomery, and shall have exclusive jurisdiction concurrent with the Montgomery County Court created by act of the legislature enacted at the regular session, 1961, in all civil matters of which justices of the peace have jurisdiction in all precincts lying within or partly within the limits of the City of Montgomery. Said Court shall have and exercise original and final jurisdiction of all midemeanors committed in Mongomery County concurrent in such misdemeanor cases with the jurisdiction now conferred by law or that may be conferred hereafter by law upon the Circuit Courts of this State, except as may be herein otherwise provided, and said Court shall have preliminary jurisdiction in all felony cases committed in said county, that is now or may be hereafter conferred by law upon justices of the peace; that said Court, concurrent with the Montgomery County Court, shall have exclusive final jurisdiction of misdemeanors as against any justice of the peace as to all offenses committed within any precinct lying within or partly within the city limits of the City of Montgomery. Affidavits may be taken and warrants issued by justices of the peace in the respective precincts of said county where such justices of the peace have jurisdiction to issue such warrants returnable to the said Court hereby created. Said Court, except as is otherwise provided in this act, shall conform to and be governed by the rules of practice and procedure and shall have the same power and authority as is now or may be hereafter conferred by law upon justices of the peace of this State in all cases wherein the defendant is charged with a felony; and in all cases wherein the defendant is charged with a misdemeanor, such Court shall have the same power and authority, and shall conform to and be governed by the rules of practice and procedure, evidence and punishment as govern Circuit Courts and courts of like jurisdiction of this State.

"Section 3. In addition to the power and jurisdiction hereinabove

conferred upon said Court, it shall have the power and authority and is hereby given jurisdiction to sentence to hard labor for the payment of fine and costs.

"Section 4. In all civil cases arising in Montgomery County, wherein the amount involved does not exceed one hundred dollars of the value of the property sued for in an action of detinue does not exceed one hundred dollars; and in all cases of forcible entry and detainer and unlawful detainer cognizable in said county, the said Court shall have and exercise final jurisdiction, but it shall not have jurisdiction to try and determine actions of libel, slander, assault and battery, ejectment or actions in the nature of ejectment.

"Section 5. Said Court shall have jurisdiction of all bastardy cases or proceedings in said county, and all laws now in force or that may be hereafter enacted relating to bastardy proceedings before justices of the peace shall apply to and be in force in said Court, and the same rules of procedure before justices of the peace in this State shall also apply in said Court.

"Section 6. The judge of the Montgomery County Court created by act of the legislature enacted at the regular session, 1961, shall be ex officio judge of the court of Common Pleas of Montgomery and shall serve as such without compensation.

"Section 7. All civil and criminal cases now pending in any court that has been or may be abolished or superseded by this act shall be transferred for final disposition to the Court created by this act, and the dockets, official papers and records of such abolished or superseded court shall be delivered to the court created by this act.

"Section 8. The clerk of the Montgomery County Court shall be ex officio clerk of the Court of Common Pleas of Montgomery and shall serve as such without compensation. It shall be the duty of said clerk to keep all the records and files of said Court in an orderly manner. The Court shall also have a seal which the clerk shall keep in the office of the clerk of said Court. The clerk of said Court shall have the power and authority to administer oaths and take acknowledgments and affidavits in all cases in which oaths, acknowledgments and affidavits are required or permitted by law, and to sign and issue all processes issuing out of said Court, including warrants, affidavits, summons, subpoenas, writs, executions, commitments, and releases of said Court. The clerk shall also have the power and authority to take acknowledgments of conveyance, and to fix bail in all cases where a person charged with crime is entitled to bail under any warrant issued by said clerk; and to issue any and all other processes necessary for the conduct of the business of the said Court, and to approve all bonds in civil and criminal cases, and to enter all judgments and orders of said Courts and he shall certify all appeals, certiorari and transcripts; but all judgments and orders of said Court shall be signed by the judge thereof. In addition to the powers hereinabove conferred upon said clerk, he or she shall have the power to issue peace warrants for a breach of the peace and search warrants to be executed either in the day time or night time, and he or she shall also have all the powers and authority, ministerial and judicial, now, or which may hereafter be, vested in clerks of the Circuit Courts of this State.

"Section 9. The clerk of said Court shall keep a docket of civil

cases in which must be entered all civil actions brought in said Court, the names of the parties, the character of the action, the name of the attorney by whom brought, and the sheriff's return, and in which must be entered all judgments and orders of the judge of said Court. The clerk shall also keep a criminal docket in which must be entered all criminal cases in their order, showing the nature of the offense, the return of the sheriff, the amount of bail and the orders and judgments showing the disposition of all cases. The clerk shall also keep in said dockets, both civil and criminal the names of all witnesses subpoenaed, the date of such subpoenas and the sheriff's return thereon. The clerk shall show on said dockets every execution that has been issued and the date thereof, the amount of the costs, and all other matters that may be necessary to keep a perfect record at all proceedings had in said Court. All the records and files of said Court shall be open to the public for inspection free of charge.

"Section 10. The deputy clerk of the Montgomery County Court shall be ex officio clerk of the Court of Common Pleas of Montgomery and shall serve as such without compensation. Such deputy clerk shall have and exercise all the rights, duties and powers of the clerk of said Court.

"Section 11. Neither the judge of said Court, nor the clerk nor the deputy clerk shall receive any compensation, and all fees, fines and forfeitures must be paid to the Board of Revenue of Montgomery County or the State of Alabama, as the case may require.

"Section 12. The judge of said Court shall have the power to issue a restraining or other proper and appropriate order to any justice of the peace or notary public ex-officio justice within Montgomery County who assumes to exercise any of the exclusive jurisdiction of this Court; and any such justice of the peace or notary public ex-officio justice of the peace may be required to show cause why he should not be punished for contempt for disobedience of such order, and the judge of this Court may punish for any such contempt by a fine of not exceeding fifty dollars, and imprisonment not exceeding five days, either or both.

"Section 13. From all final judgments rendered in civil cases by the judge of this Court either party shall have the right of appeal to the Circuit Court of Montgomery County, and from convictions in this Court in criminal cases the defendant shall have the same right of appeal to said Circuit Court. All appeals from this Court to the Circuit Court shall be governed by the laws relating to certiorari and appeals from the courts of justices of the peace of this State, except that an appeal or certiorari from this Court must be taken within fifteen days from the rendition of any final judgment of this Court.

"Section 14. No trial or prosecution shall be instituted in this Court by indictment by any grand jury, but all trials or prosecutions in this Court shall be begun upon an affidavit and warrant. All trials of misdemeanors in this Court, shall be without a jury, and no trial by jury can be demanded. The judge of this Court shall determine both the law and the facts, and shall award the punishment which the character of the offense demands. No statement of the offense need be made other than that contained in the affidavit and warrant of arrest. If the defendant sees fit to appeal from a judgment of conviction by this Court, a jury trial may be demanded at the time of taking such appeal to the circuit court and the case shall be tried in the circuit court de novo as

is now provided by law and shall be governed in all respects by the rules and regulations as now provided by law, or which may hereafter be provided by law in the trial of cases appealed from the courts of justices of the peace of this State.

"Section 15. Whenever there is any defect or other objection found in the validity or sufficiency of any affidavit, complaint, or warrant pending in such Court, the solicitor or other person prosecuting for the State shall have the right to amend said warrant to which objection is found and make the same sufficient. The judge may also cause the clerk of said Court to issue a new warrant and affidavit for the prosecution of said cause.

"Section 16. All proceedings as to bail, conditional judgments, forfeitures, judgments final and alias warrants of arrest shall be the same in this Court as are now or may be hereafter provided for by law. Conditional judgments may be set aside therein, reduced or made absolute, and the same orders and judgments made and taken in such matters as could be made or taken in the Circuit Courts of this State, and the same procedure shall be followed.

"Section 17. When a fine is assessed said Court may allow defendant to confess judgment, with good and sufficient sureties, for the fine and costs, as provided by the general laws of this State. Execution may issue for the fine and costs, or any portion thereof remaining unpaid the same as in civil cases. The clerk may issue execution against the defendant and his sureties on all confessions of judgment after the time fixed for the payment of same in the order of the Court, said execution to be returnable within ninety days after the issuance thereof. Immediately after the execution is delivered to the Sheriff of Montgomery County the same shall be a lien on all the property of the defendants in said execution, and it shall be the duty of the sheriff to collect such execution in the time stated therein.

"Section 18. In any prosecution in this Court, if it appears to the Court to be malicious or frivolous, the Court may tax the prosecutor or the person who made the affidavit with the costs, and when the costs are imposed on the prosecutor or person who made the complaint or affidavit, he may confess judgment for the same with good and sufficient sureties, and failing to do so, or to pay the same presently, he may be imprisoned in the County Jail or sentenced to hard labor for the County for not exceeding ten days.

"Section 19. All general laws relating to misdemeanors now in force, or that hereafter may be enacted shall apply to and extend to this Court, unless the contrary be expressly provided or limited by this act. The judge of this Court shall have discretionary power and authority to dismiss any misdemeanor prosecution upon the payment of costs by any defendant charged with a misdemeanor in said Court.

"Section 20. The judge of this Court in addition to the powers conferred by this act, shall have authority to take acknowledgements and proofs of all deeds of conveyance required by law to be recorded and certify the same for registration; to perform marriage ceremonies the same as the circuit judges of this State; to administer oaths and take affidavits in all cases in which oaths and affidavits are required by law; to issue search warrants, to take recognizances, admit to bail, approve bail bonds in and out of court, and do every act and issue every

process, mense or final, necessary to effect the due administrations of the laws in cases of offenses, jurisdiction of or powers over which are conferred by this act; to correct after final judgment any error in judgment or process upon the whole record; to secure parties or privies in their rights against any oppression or abuse of execution, or other process, or upon any release, discharge or payment after judgment.

"Section 21. The solicitor of the Circuit Court of Montgomery County or the assistant solicitor shall be required to attend said Court, and shall be the prosecuting officer therein; and shall, also, represent the State in all preliminary trials for felony in such Court. For every conviction of a misdemeanor in said Court where the defendant pleads not guilty and goes to trial there shall be taxed and collected as part of the costs in each case the same solicitor's fees provided for convictions in such cases in the Circuit Courts of this State, but no solicitor's fees shall be taxed or charged in any case where the defendant pleads guilty and pays the fine and other costs assessed by the Court.

"Section 22. The judge of said Court shall have the power to punish for contempt in all cases where judges of the Circuit Courts of this State can punish for contempt by a fine of not exceeding fifty dollars and by imprisonment in the county jail for not exceeding five days, either or both.

"Section 23. It shall be the duty of the clerk of said Court after the lapse of fifteen days from the rendition of any final judgment in any civil suit therein, if an appeal is not taken, unless otherwise directed by the Court, to issue executions on all judgments in favor of the successful party, which must be signed by the clerk, dated on the day it was issued, and made returnable not less than twenty nor more than sixty days from date of its issue and the clerk shall place the same in the hands of the sheriff; alias writs shall be made returnable in like manner.

"Section 24. Upon the rendition of judgment, execution may be issued by leave of the Court before the time described in Section 23 of this act for the issuance of executions if the plaintiff, his agent or attorney shows sufficient cause thereof by affidavit, but the defendant is not prevented thereby from moving for a new trial nor deprived of any other right that he would otherwise have had.

"Section 25. All processes of whatever nature or kind issued out of said Court shall be directed "To any Sheriff of the State of Alabama", who shall either by self or deputy execute the same with diligence. Provided, however, in any civil case or matter service of any process or processes issuing out of this Court may be by certified mail in lieu of any other service of process now or hereafter provided for by law. The procedure for service of process by certified mail under this act shall be the same as now provided for under the general law for service by certified mail in lieu of registered mail, except that service of process under this act by certified mail shall not be limited to cases and matters in which service is authorized by registered mail. Where service is to be by certified mail the clerk of the Court shall require the party for whose benefit the process is issued to deposit with him sufficient funds to pay mailing costs and postal fees.

"Section 26. The sheriff of said county shall in person or by his deputy or deputies attend on such Court at all times when the same

is in session, to preserve order, to execute its processes, and to perform such other duties in all respects as is required by the Circuit Courts of this State, and he shall furnish all such other subordinate officers as may be necessary to expedite the business of said Court, the same as are required under the laws governing him as an officer of the Circuit Court. The judge of such Court shall have authority to exercise general supervision of the sheriff and his deputies that they may attend strictly to the prompt and diligent discharge of their duties in all matters pertaining to the proper dispatch of the business of the Court and the preservation of order therein.

"Section 27. The sheriff shall receive for his services in said Court, in civil and in criminal cases the same fees as are now or may hereafter be provided by law for similar services in the Circuit Courts of this State, to be taxed as costs in such cases. The fees allowed the sheriff and witnesses shall be paid directly to them.

"Section 28. The same fees and costs that are now or may hereafter be allowed by law to justices of the peace in all civil and criminal cases shall be taxed and collected by the clerk in such cases in said Court in the same manner as is now or may hereafter be provided by law for taxing and collecting costs in the courts of justices of the peace in this State, and when collected shall be paid by the clerk of said Court once a month into the treasury of said county.

"Section 29. Said Court shall be held in the County Court House of Montgomery County and the Board of Revenue of said County shall provide suitable and adequate rooms for the Court and its officers, and shall supply them with all necessary records, books, files, stationery, stamps used for official business, typewriters, telephones, or other proper facilities for the efficient discharge and performance of the work and duties of the Court and its officers.

"Section 30. Said Court may at the discretion of the judge on each secular day open for business, and render judgments by defaults, nil dicit, or other judgments at any time after ten o'clock of each day; and for the trial of offenses coming within its jurisdiction, in all cases where the party or parties charged can not give bond or security for their appearance at the regular term of such Court, and who desire an immediate trial. All processes of such Court, where no time is fixed therein, shall be returnable at ten o'clock a.m. of the return day; provided, however, that each calendar month shall constitute a term of such Court; and the judge of such Court shall have the power and authority to set aside certain days during the term for the trial of civil and criminal cases; and causes may be continued for good cause shown until the next succeeding term of said Court. But nothing herein contained shall be construed as to prevent or interfere with the regular terms of such Court. The judge of said Court may at his pleasure adjourn Court for a period not exceeding one month in any one year, and all cases set for trial during such period may be carrried over or continued during said adjourned term.

"Section 31. The fees of witnesses of said Court shall be fifty cents a day and five cents a mile for each mile travelled to and from the Court and place of residence of the witnesses by the usual travelled route, and shall be paid in misdemeanor cases in the same manner in which said fees are now paid in the Circuit Court of the State. The fees of all witnesses in all criminal cases where no conviction is had shall

be governed by provisions of law applying to similar services in the Circuit Courts or in preliminary hearings.

"Section 32. When a forfeiture has been taken against a defendant and the sureties on his bail bond, it shall be the duty of the clerk to issue an alias warrant for the arrest of the defendant, upon which the same proceeding shall be had as upon the original warrant.

"Section 33. The owner of any judgment rendered by said Court for twenty-five dollars or over, may file in the office of the judge of probate of Montgomery County or of any other county of this State a certificate of the clerk of said Court under the same procedure, and in the same manner as is now or may hereafter be provided for filing judgments of the Circuit Courts of this State; and when so filed such judgments shall be a lien in the county where filed, on all property of the defendant which is subject to levy and sale under execution. The filing of such certificate of judgment, shall be notice to all persons of the existence of the lien thereby created. Such lien shall continue for ten years from the date of such judgment and no insolvency proceedings or declarations of insolvency shall affect or impair such lien, except bankruptcy proceedings instituted within four months after the filing of the certificate provided by law. Execution may be issued at any time within ten years from the date of such judgment, whether execution has been previously issued or not. The same fees that are now or may hereafter be allowed by law for the issuing of certificates of judgment in the Circuit Courts of this State shall be taxed and collected by the clerk in such cases in said Court in the same manner as is now or may hereafter be provided by law for taxing and collecting fees in the Circuit Courts, and when collected shall be paid by the clerk of said Court once a month into the treasury of said county. All judgments in civil cases rendered by this Court shall be barred within ten years after the rendition thereof unless renewed or revived under proper proceedings as is now or may hereafter be providd by law.

"Section 34. The same provisions in reference to filing of interrogatories to parties to suits and the same provisions in reference to taking of depositions as now or may hereafter be provided for in the filing of interrogatories and the taking of depositions in the Circuit Courts of this State, shall apply to the filing County or of any other county of this ositions in this Court.

"Section 35. If for any reason any section, clause, or provision of this act shall be declared invalid or unconstitutional, it shall not be deemed or held to affect any other section, clause or provision, but the same shall remain in full force and effect.

"Section 36. All laws, whether local, general, or special, in conflict with the provisions of this act be, and the same are hereby repealed, insofar as they may conflict with the provisions of this act.

"Section 37. This act shall take effect on the first day of October, 1961."

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF MONTGOMERY

Before me, the undersigned authority in and for said County in said State, this day personally appeared Guyton Parks, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Business Manager of The Alabama Journal, a newspaper of general circulation published in Montgomery County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 29, August 5, 12, 19, all in the year 1961.

GUYTON PARKS,

Business Manager.

Sworn to and subscribed before me August 21, 1961.

T. A. HARDY,

Title, Notary Public Montgomery County, Alabama.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1486, 1487, 1488, 1490, 1497, 1498, 1499, 1501, 1502, 1503, 1505, 1506, 1508, 1509, 1510 and 1511—to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brannan:

H. 1483. To alter or rearrange the boundary lines of the City of Fairhope, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama, and to provide that the property annexed to the City of Fairhope be exempted from all municipal ad valorem taxes until the following municipal services are rendered said area, to-wit:

Police protection, fire protection, City planning and zoning, garbage collection, gas and water service shall be rendered to the property owners and persons residing therein or made available to them.

And, to require the County of Baldwin to continue to maintain the streets and roads in such added territory until such time as the same

is assessed for taxation by the City of Fairhope.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF BALDWIN

Notice is hereby given pursuant Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of a local law, the substance of which is as follows:

A BILL

TO BE ENTITLED

AN ACT

To alter or rearrange the boundary lines of the City of Fairhope, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama, and to provide that the property annexed to the City of Fairhope be exempt from all municipal ad valorem taxes until the following municipal services are rendered said area, to-wit:

Police protection, fire protection, City planning and zoning, garbage collection and water service shall be rendered to the property owners and persons residing therein or made available to them.

And, to require the County of Baldwin to continue to maintain the streets and roads in such added territory until such time as the same is assessed for taxation by the City of Fairhope.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the City of Fairhope, rearranged so as to include all of the territory heretofore encompassed by the corporate limit of the City of Fairhope and in addition thereto the following described territory, to-wit:

1. AREA NORTH AND EAST OF PRESENT CITY LIMITS BOUNDARIES: Bounded by a line described as follows, to-wit:

Begin at the Southwest corner of Section 16, Township 6 South, Range 2 East, run thence East along the section line, 1/8 of a mile; thence run North and parallel to the West boundary lines of Sections 16, 9 and 4, in said Township 6 South, Range 2 East, to the Northeast corner of West ½ of the SW¼ of the SW¼ of Section 4, Township 6, South Range 2 East; thence run West, parallel to and ¼ mile distant from the South boundary of said section 4, and the same extended Westwardly 5/8 of a mile, more or less, to the presently existing North

East Corner of the Corporate Limits of the City of Fairhope; thence, following the existing corporate limits boundary, run South, East and South to the Point of Beginning. The area covered containing approximately 500 acres, lying in Section 4, 8, 9, 16 and 39 in said Township 6 South, Range 2, East, Baldwin County, Alabama.

2. AREA SOUTH OF PRESENT CITY LIMITS: Bounded by a line described as follows, to-wit:

From the Northeast Corner of the Southwest ¼ of the Northwest ¼ of Section 20 of Township 6 South, Range 2 East, according to the Official U. S. Survey Township Plat of said Township, which point is on the South boundary of the corporate limits of the City of Fairhope as the same presently exists, as a POINT OF BEGINNING: Running thence South ¼ of a mile, to the EastWest ½ section line through said Section 20; thence run West along said ½ section line, ¼ mile, more or less, to the ½ mile corner on the section line dividing section 19 and 20 in said Township, which point is in the approximate center of a waterway known as BIG HEAD GULLY; thence run Westwardly along the center of said Gully One and One Quarter miles, more or less to the present South boundary of said corporate limits of said City of Fairhope; thence running East along the said present Corporate Limits South Boundary, One and One Quarter miles, more or less, to the Point of Beginning. The area covered containing approximately 100 acres situated in Section 19 and 20, in said Township 6 South, Range 2 East, and all lying with the limits of the Baron de Ferriet Grant said Township and Range.

Be it further provided that no municipal ad valorem taxes shall be charged against said property until the following municipal services are furnished said area, to-wit:

Police protection, fire protection, garbage collection, water service and City planning and zoning shall be rendered to the property owners and persons residing therein or made available to them. The City Council of the City of Fairhope each year when it adopts an ordinance assessing real property within the City of Fairhope for ad valorem taxation shall describe in said ordinance the area which has previously been subject to the city ad valorem taxation and shall describe in addition thereto such other areas within the boundaries in which the City Council is furnishing all of the above described services during the year for which said ad valorem tax is being levied; and said ordinance shall also describe the areas within the City of Fairhope where all of said services are not being rendered and shall exempt such areas from city ad valorem taxation for said year.

Section 2. Any roads or streets which are located in these areas which are exempted from ad valorem taxation by the City of Fairhope shall be maintained by the County of Baldwin until such time as aforesaid areas are assessed for the City of Fairhope ad valorem taxation.

Section 3. Should any section, provision or part of this Act be declared unconstitutional or void by any Court of competent jurisdiction it shall not affect the validity of the remaining sections, provisions or parts of this Act.

Section 4. That this act shall become effective upon its passage

and approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF BALDWIN.

Before me, the undersigned notary public, in and for the State and County aforesaid, personally appeared FRANCES G. CRAWFORD, who being by me first duly sworn, deposes and says that during the times herein mentioned she was the Editor of the Fairhope Courier, a newspaper of general circulation published in Baldwin County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on the 12th day of July, the 19th day of July, the 26th day of July and the 2nd day of August, all in the year, 1961.

FRANCES G. CRAWFORD.

Subscribed and sworn to before me this the 3rd day of August, 1961.

TILLIE K. STEPHENS,

Notary Public, Baldwin County, Alabama.

SEAL

Also:

By Messrs. Turnham and Torbert:

H. 1484. Authorizing the appointment of juvenile court officers in counties having populations of not less than 49,500 nor more than 50,000, according to the 1960 or any subsequent federal decennial census.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1483 and 1484—to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brannan:

H. 1481. To alter, re-arrange, and extend the boundaries and cor-

porate limits of the Town of Gulf Shores in Baldwin County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
BALDWIN COUNTY

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County.

Be It Enacted by the Legislature of Alabama:

The boundaries of the Town of Gulf Shores in Baldwin County are hereby altered, re-arranged and extended so as to include within the corporate limits of said municipality the following described lands lying and being in Baldwin County, to-wit:

Beginning at the Southeast corner of Block 6 of the Replat of Blocks 5, 6, 7 and 8 of the Southport Unit of Gulf Shores, Alabama, according to the plat thereof recorded in Map Book 4, Page 148, of the records of the Probate Judge of Baldwin County, Alabama, run thence South along the West right-of-way of Alabama Highway 59 to its intersection with the South right-of-way of West 15th Avenue as shown on a plat of Division 2, Gulf Pines, Gulf Shores, Alabama, recorded in Map Book 4, Page 71, of the records of the Probate Judge of Baldwin County, Alabama; run thence West along said South right-of-way of said West 15th Avenue to its intersection with the East boundary of an alleyway, 31 feet in width, which said alleyway is East of Block 1, Unit 3, Gulf Shores, Alabama according to the plat thereof recorded in Map Book 3, Page 9, of the records of the Probate Judge of Baldwin County, Alabama; run thence South along said East boundary of said alleyway to its intersection with the Center line of the Dixie Graves Parkway; run thence Westwardly along and with said Center line of said Dixie Graves Parkway to its intersection with the West boundary of Block 19, Unit 3, Gulf Shores, Alabama, according to the plat thereof recorded in Map Book 3, Page 9, of the record of the Probate Judge of Baldwin County, Alabama; run thence North along said West Boundary of said Block 19, Unit 3, Gulf Shores, Alabama, to its intersection with the North Boundary of Section 17, Township 9 South, Range 4 East; run thence East along the North Boundary of Section 17, Township 9 South, Range 4 East, to its intersection with the West right-of-way of Gulf Avenue, Division 2 Gulf Pines Unit of Gulf Shores, Alabama, according to the plat thereof recorded in Map Book 4, Page 71, of the

records of the Probate Judge of Baldwin County, Alabama; run thence North along said West right-of-way of said Gulf Avenue to its intersection with the North right-of-way of West 24th Avenue in the Replat of Blocks 5, 6, 7 and 8, Southport Unit of Gulf Shores, Alabama, according to the plat thereof recorded in Map Book 4, Page 148, of the records of the Probate Judge of Baldwin County, Alabama; run thence East along said North Boundary of West 24th Avenue to its intersection with the projection Southwardly of the West Boundary of lot 16, Block 1, of the Replat of Blocks 5, 6, 7 and 8, Southport Unit of Gulf Shores, Alabama, according to the plat thereof recorded in Map Book 4, Page 148, of the records of the Probate Judge of Baldwin County, Alabama; run thence South along the projection of the West Boundary of said Lot 16 to its intersection with the Center line of West 22nd Avenue in said Replat of Blocks 5, 6, 7 and 8, of the Southport Unit of Gulf Shores, Alabama; run thence East along and with the Center line of said West 22nd Avenue to its intersection with the extension Southwardly of the East Boundary of Block 6 of the said Replat of Southport Unit of Gulf Shores, Alabama; run thence North 40 feet to the point or place of beginning.

AFFIDAVIT OF PUBLICATION

I, Edith Howell, Secretary of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated June 22, 1961, and ending with the issue dated July 13, 1961.

EDITH HOWELL.

Subscribed and sworn to before me this 16th day of August, 1961.

DORIS HORDER RICH,

Notary Public.

Also:

By Mr. Brannan:

H. 1482. To permit any bank located in Baldwin County, Alabama, to establish in the municipal limits of Gulf Shores, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the State Superintendent of Banks.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

BALDWIN COUNTY

NOTICE is hereby given that a bill substantially as follows will be

introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To permit any bank located in Baldwin County, Alabama, to establish in the municipal limits of Gulf Shores, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the State Superintendent of Banks.

Be It Enacted by the Legislature of Alabama:

Section 1. Any bank located in Baldwin County, Alabama, may establish, maintain, and operate in or at Gulf Shores, Alabama, within the municipal limits thereof, in said County a branch bank, branch agency, additional office, or branch place of business, provided such bank, before the establishment of the branch, agency, office, or place of business authorized by this Act shall first secure the written consent thereto of the Superintendent of Banks of the State of Alabama.

Section 2. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the Act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

I, Edith Howell, Sec. of The Onlooker, published at Foley, Ala., do solemnly swear that a copy of the above notice, as per clipping attached, was published once each week in the regular and entire edition of said newspaper, and not in any supplement thereof, for 4 consecutive weeks, commencing with the issue dated July 20, 1961, and ending with the issue dated August 10, 1961.

EDITH HOWELL.

Subscribed and sworn to before me this 22nd day of August, 1961.

DORIS HORDER RICH,

Notary Public The State of Alabama At Large.

My Commission Expires 22 December, 1962.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1481 and 1482—to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Hankins:

H. 1478. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF LAMAR

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue.

Be It Enacted by the Legislature of Alabama:

SECTION 1. This Act shall apply only in Lamar County.

SECTION 2. (a) If approved by a majority of the qualified voters of Lamar County in the manner provided for in sub-section (b), the court of county commissioners, board of revenue, or other like governing body of said county may adopt an order, ordinance, or resolution levying special county taxes, to parallel state sales and use taxes in the manner and at the rates prescribed in this Act.

(b) Upon filing with the probate judge of Lamar County petitions signed by a majority of the qualified voters of said county stating that they favor the levying of an additional one-cent sales tax for educational purposes in said county, the court of county commissioners, board of revenue or like governing body may levy taxes pursuant to this Act. A certificate signed by the chairman of the county board of education and attested by the county superintendent as the secretary thereof, under the seal of the county board of education, shall be affixed to the petitions above required, stating in effect that the names appearing thereon also appear on the official poll list of said county of Lamar as prepared by the judge of probate for said county for the last general election.

Section 3. (a) The special county taxes levied pursuant to this Act shall be privilege license and excise taxes in substance as follows:

1. Upon every person, firm, or corporation (not including the State of Alabama or the Alabama Alcoholic Beverage Control Board or ABC stores) engaged or continuing within the county in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character (not including, however, bonds or other evidence of debt or stocks), an amount equal to one percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such businesses at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer, on the gross sales of the business.

2. Upon every person, firm, or corporation engaged or continuing within the county in the business of conducting or operating places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudeville, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games (including athletic contests conducted by or under the auspices of any educational institution, or any athletic association thereof, or other association whether such institution or association be denominational, a state, county, or a city school, or other institution, association, or school), skating rinks, race tracks, golf courses or any other place at which any exhibition, display, amusement, or entertainment is offered to the public or places charged, including public bathing places, public dance halls of every kind and description, conducted or carried on within the county, an amount equal to one percent of the gross receipts of any such business.

3. Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, and the parts of such machines or ma-

chinery, attachments and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, and which are necessary to the operation of such machines or machinery, and are customarily so used, an emount equal to one-half of one percent of the gross proceeds of the sale of such machines or machinery, attachments, parts and replacements therefor.

4. Upon every person, firm or corporation engaged or continuing within the county in the business of selling at retail any automotive vehicle or truck trailer and semi-trailer, an amount equal to one-half of one percent of the gross proceeds of the sale of said automotive vehicle or truck trailer and semi-trailer. Provided, that where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment of the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less a credit for the used vehicle taken in trade.

5. An excise tax may be imposed on—

The storage, use, or other consumption in the county of tangible personal property purchased at retail, for storage, use or other consumption in the county, at the rate of one percent of the sale price of such property, regardless of whether the retailer is or is not engaged in business in the county or in this state, except as provided in paragraphs a and b below; and

a) The storage, use, or other consumption in the county of any new or used automotive vehicle, truck trailer, or semi-trailer purchased at retail for storage, use, or other consumption in the county, at the rate of one-half of one percent of the sales price of such automotive vehicle, truck trailer, or semi-trailer. Where any used automotive vehicle or truck trailer or semi-trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied shall be paid on the net difference, that is, the difference in the price of the new or used vehicle sold less a credit for the used vehicle taken in trade; and

b) The storage, use, or other consumption in the county of any machines or machinery used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, including the parts of such machines or machinery, attachments, and replacements therefor which are made or manufactured for use on or in the operation of such machines or machinery, purchased at retail for storage, use, or other consumption in the county, at the rate of one-half of one percent of the sales price of such machines or machinery or the parts, attachments, or replacements therefor.

(b) There shall be exempted from the levy of such taxes the gross receipts of any business and the gross proceeds of all sales which are exempted under the state sales tax statutes from the computation of the amount of the state sales tax. And there shall also be exempted from the levy the storage, use, or other consumption of property, the storage, use, or other consumption of which is exempted under the state use tax statutes from the state use tax. Subject to these exemptions, every person storing or using or otherwise consuming in the county tangible personal property purchased at retail shall be liable for the tax imposed, and the liability shall not be extinguished until the tax has been paid by such person; provided, however, that a receipt from a registered seller given to the purchaser of any property to be used, stored, or consumed in the

county shall be sufficient to relieve the purchaser from further liability for the tax to which such receipt may refer. The term "registered seller" means the person registered with the state department of revenue pursuant to the state sales tax statutes. The term "state sales tax statutes" means Act No. 100, H. 94, approved August 18, 1959, which levies a retail sales tax for state purposes, and includes all statutes, including amendments to said Act No. 100 heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Act No. 100, and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of said Act No. 100 and the incidence and collection of the tax imposed therein. The term "state use tax statutes" means Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended, including all statutes heretofore enacted which expressly set forth any exemptions from the computation of the tax levied in said Article 11 and all other statutes heretofore enacted which expressly apply to, or purport to affect, the administration of the said article and the incidence and collection of the tax imposed therein.

Section 4. Unless otherwise expressly provided for in the order, ordinance, or resolution levying the taxes herein authorized, such taxes shall become effective on the first day of the second month next following the date of the order, ordinance, or resolution; provided, notice of adoption of such an order, ordinance, or resolution must be given to the commissioner of the state department of revenue not less than 45 days before the taxes are to become effective. The taxes levied and imposed shall be in addition to all other taxes now provided by law and shall be collected as hereinafter provided.

Section 5. All taxes levied pursuant to this Act shall be paid to and collected by the state department of revenue at the same time and along with the collection of the state sales tax and the state use tax. On or before the due dates of the taxes levied each person subject to such taxes shall file with the state department of revenue a report or return in such form as may be prescribed by the department, setting forth with respect to all sales and business that are required to be used as a measurement of the tax levied, a correct statement of the gross proceeds of all such sales and the gross receipts of all such business, and setting forth with respect to the use tax levied, the total sales price of all property, the use, storage, or other consumption of which became subject to the tax during the then preceding quarterly period. Such reports shall include also such other items of information pertinent to the said taxes and the amount thereof as the state department of revenue may require. Any person subject to the taxes levied may defer reporting credit sales until after their collection, and in the event he so defers reporting them, he shall thereafter include in each monthly report all credit collections made during the month preceding, and shall pay the taxes due thereon at the time of filing such report. All reports or returns filed with the state department of revenue under this section shall be available for inspection by the governing body of Lamar County, or its designated agent, at reasonable times during business hours.

Section 6. Every registered seller regularly and continually making sales of tangible personal property for storage, use, or other consumption in Lamar County (which storage, use, or other consumption is not exempted from the tax imposed) shall at the time of making such sale or, if the storage, use, or other consumption of such tangible personal property in the county is not then taxable under this Act, at the time such storage, use, or other consumption becomes taxable hereunder, collect the tax from the purchaser, and shall give to the purchaser a receipt there-

for in the manner and form prescribed by the state department of revenue. On the twentieth day of the month following the close of each quarterly period, each registered seller shall file with the state department of revenue a return for the preceding quarterly period in such form as may be prescribed by the department, showing the total sales of the tangible personal property sold by such registered sellers, the storage, use, or other consumption of which became subject to the tax imposed during the then preceding quarterly period; and each return shall be accompanied by a remittance of the amount of the tax required to be collected by such registered seller during the period followed by the return; provided, that any registered seller may defer collecting the tax with respect to credit sales until collection of the proceeds of such sales and may defer reporting credit sales until after their collection, but shall thereafter collect the said taxes along with collection of said credit sales and shall include in each quarterly report all credit collections made during the preceding quarterly period, and shall omit the taxes with respect thereto at the time of filing such report or return. Any person who has paid to a registered seller the tax with respect to the use, storage, or other consumption of tangible personal property in Lamar County need not file a report or make any further payment of the said tax, but each person who purchases tangible personal property, the storage, use, or other consumption of which is subject to the tax imposed, and who has not paid the tax due with respect thereto to a registered seller, shall report and pay the tax as required by Section 5.

Section 7. Each person engaging or continuing within Lamar County in a business subject to the taxes levied pursuant to Section 3 shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer on account of said taxes; and every registered seller shall likewise add to the sales price and collect from the purchaser the amount of any tax which such registered seller is required to collect. It shall be unlawful for any person subject to the tax levied to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount herein required to be so added to the sales or admission price and collected from the purchaser, and it shall likewise be unlawful for any person subject to said tax to refund or offer to refund all or any part of the amount so collected or to absorb or advertise directly or indirectly the absorption or refund of said tax or any portion thereof. It shall likewise be unlawful for any registered seller to fail or refuse to add to the sales price and to collect from the purchaser the amount of the tax imposed or to refund or offer to refund or absorb, or to advertise directly or indirectly the absorption of said tax or any portion thereof.

Section 8. The taxes imposed pursuant to this Act shall constitute a debt due Lamar County and may be collected by civil suit, in addition to all other methods provided by law and in this Act. The said taxes, together with interest and penalties with respect thereto, shall constitute and be secured by a lien upon the property of any person from whom said taxes are due or who is required to collect said taxes. All provisions of the revenue laws of this state which apply to the enforcement of liens for license taxes due the state shall apply fully to the collection of the county taxes levied and that state department of revenue, for the use and benefit of Lamar County shall collect such taxes and enforce this Act and shall have and exercise for such collection and enforcement all rights and remedies that this state or the department has for collection of the state sales tax & the state use tax. The state department of revenue shall have full authority to employ such special counsel as it deems necessary from time to time to enforce collection of the taxes authorized to be

levied by this Act, and to otherwise enforce the provisions of this Act, including any litigation involving the Act; and the department shall pay such special counsel such fees as it deems necessary and proper from the proceeds of the taxes collected by it for Lamar County.

Section 9. All provisions of the state sales tax statutes with respect to payment, assessment and collection of the state sales tax, making of reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, make reports or otherwise comply with the State Sales Tax and the administration and enforcement of the state sales tax statutes, which are not inconsistent with the provisions of this Act when applied to the tax levied pursuant to Section 3 hereof, shall apply to the county tax levied; and all provisions of the state use tax statutes with respect to payment, assessment and collection of the state use tax, making quarterly reports and keeping and preserving records with respect thereto, interest after due date of tax, penalties for failure to pay tax, making reports or otherwise comply with the state use tax statutes, the promulgation of rules and regulations with respect to the state use tax, and the administration and enforcement of the state use tax statutes which are not inconsistent with the provisions of this Act when applied to the county use tax levied shall apply to the county tax. The commissioner of revenue and the state department of revenue shall have and exercise the same powers, duties and obligations with respect to the county taxes levied as are imposed on the commissioner and the department, respectively, by the state sales tax statutes and the state use tax statutes. All provisions of the state sales tax statutes and the state use tax statutes that are made applicable in this Act to the county taxes levied and to the administration of this Act are incorporated herein by reference and made a part hereof as it fully set forth herein.

Section 10. The state department of revenue shall charge Lamar County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the commissioner of revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed three percent of the total amount of special county taxes collected hereunder within the county. Such charge for collecting the special taxes for the county may be deducted each month from the special sales and special use taxes collected before certifying the amount of the proceeds thereof due Lamar County for that month. The commissioner of revenue shall pay into the state treasury all county taxes collected under this Act, as such taxes are received by the department of revenue; and on or before the first day of each successive month (commencing with the month following the month in which the department makes the first collections hereunder), the commissioner shall certify to the state comptroller the amount of taxes collected under the provisions of this Act and paid by him into the state treasury for the benefit of Lamar County during the month immediately preceding the making of such certificate. Provided, however, that before certifying the amount of the taxes paid into the state treasury for the benefit of the county during each month, the commissioner may deduct from the taxes collected in said month the charges due the department for the collection of the taxes for the county. It shall be the duty of the comptroller to issue his warrant each month payable to the custodian of the public funds of Lamar County in an amount equal to the amount so certified by the commissioner of revenue as having been collected for the use of the county. The custodian of public funds for Lamar County shall deposit the revenue derived from the taxes levied herein in a special account separate and apart from other

county funds, and shall maintain separate records of such special account.

Section 11. The net revenue derived by the county from the taxes levied under this Act shall be paid over to the board of education of Lamar County and shall be spent by the board for the operation and maintenance of the schools in the county school system.

Section 12. All laws or parts of laws which conflict with this Act are repealed.

Section 13. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 14. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF LAMAR

Before me, the undersigned authority in and for said County in said State, this day personally appeared Jack Hankins, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Lamar Democrat, a newspaper of general circulation published in Lamar County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 3, August 10, August 17, and August 24, all in the year 1961.

JACK HANKINS.

Sworn to and subscribed before me August 25th, 1961.

NELLIE RUTH TAGGART,

Title Notary Public.

My Commission Expires 8/2/65.

Also:

By Mr. Gordon:

H. 1479. To amend further Act No. 345, H. 793, approved September 24, 1923 (Local Acts of Alabama, 1923, page 237), which relates to the election, duties, term of office and compensation of the county superintendent of education of Blount County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

STATE OF ALABAMA

COUNTY OF BLOUNT

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To amend further Act No. 345, H. 793, approved September 24, 1923 (Local Acts of Alabama, 1923, page 237), which relates to the election, duties, term of office and compensation of the county superintendent of education of Blount County.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 4 of said Act No. 345, H. 793, approved September 24, 1923, as amended, is hereby further amended to read as follows:

"Section 4. The county superintendent of education shall devote his entire time to the public school business of Blount County and shall receive a salary of Four Thousand Eight Hundred Dollars ($4,800) per year. The salary of the superintendent shall be paid in the same manner as is provided by the general laws of Alabama for the payment of salaries of county superintendents of education. In addition to the salary authorized by this Act, the County Board of Education of Blount County, Alabama, is empowered to fix, approve, and authorize the payment of traveling expenses not in excess of Two Thousand Four Hundred Dollars ($2,400) annually for expenses actually incurred by the county superintendent of education in the performance of his official duties within and without the county.

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective at the beginning of the next month after its approval by the Legislature of Alabama and the signature of the Governor.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in

said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was editor of the Southern Democrat, a newspaper of general circulation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 20, July 27, August 3, and August 10, all in the year 1961.

RICE M. HOWARD,

Editor.

Sworn to and subscribed before me August 10, 1961.

MOLLY RYAN,

Title Notary Public.

Also:

By Mr. Gordon:

H. 1480. To create the Blount County Board of Public Hospitals and transfer to such board all the powers, duties, and authority of the board of directors of any public hospital corporation incorporated in Blount County pursuant to Act No. 46 of 1949, which board is hereby abolished; to prescribe the membership of such board of hospitals; and to provide for the selection, term of office, and the payment of certain expenses of the members of such board.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

STATE OF ALABAMA

COUNTY OF BLOUNT

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

To create the Blount County Board of Public Hospitals and transfer to such board all the powers, duties, and authority of the board of directors of any public hospital corporation incorporated in Blount County pursuant to Act No. 46 of 1949, which board is hereby abolished; to prescribe the membership of such board of hospitals; and to provide for the selection, term of office, and the payment of certain expenses of the members of such board.

Be It Enacted by the Legislature of Alabama:

Section 1. The members of the board of finance and control, court

of county commissioners, board of revenue, or other like governing body of Blount County, and their successors in office, and four other citizens of Blount County who are qualified electors, selected by the county governing body shall constitute the Blount County Board of Public Hospitals, which is hereby established. Immediately after this Act becomes effective, the board of finance and control, court of county commissioners, board of revenue, or other like governing body of Blount County shall appoint two members, of this board, each for a term of three years, and two other members, each for a term of six years, two of these appointed members shall be members of the Blount County Board of Health. Thereafter, upon the expiration of term of an appointive member of the board, the county governing body shall appoint his successor for a term of six years. If any appointive member dies, resigns, becomes incapable of acting as a member, or ceases to reside in the county, the governing body of the county may elect his successor to serve for the unexpired term. The present and future appointive members of the board shall not be eligible to succeed themselves in office. The members of the board shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties.

Section 2. The board of hospitals shall have and may exercise all of the powers and authority, duties, and responsibilities of the board of directors or other governing board of any public hospital corporation incorporated pursuant to Act No. 46, S. 154, approved June 2, 1949 (Acts of 1949, p. 68) and any amendments thereof for the purpose of acquiring, owning, and operating a public hospital or hospitals.

Section 3. The board of directors or other governing board of any public hospital corporation incorporated in Blount County pursuant to Act No. 46, S. 154, approved June 2, 1949 (Acts of 1949, p. 68) and any amendments thereof, for the purpose of acquiring, owning, and operating a public hospital or hospitals, is hereby abolished, and after the effective date of this Act, all the powers, duties and functions of such board of directors shall be performed by the Blount County Board of Public Hospitals.

Section 4. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are repealed.

Section 6. This Act shall become effective immediately upon it passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA
COUNTY OF BLOUNT

Before me, the undersigned authority in and for said County in said State, this day personally appeared Rice M. Howard, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Editor of the Southern Democrat, a newspaper of general circu-

lation published in Blount County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 3, August 10, August 17, and August 24, all in the year 1961.

RICE M. HOWARD,

Editor.

Sworn to and subscribed before me August 24, 1961.

MOLLY RYAN,

Title Notary Public.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1478, 1479 and 1480—to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Brewer and Gilchrist:

H. 1375. To establish a merit system for the City of Decatur; to provide a policy for the administration of this act; to divide positions in the city into classified and exempt services, and to provide for changes between such services; to provide a status for present employees, personnel rules and personnel plans of the city; to provide for the organization of the Personnel Board of the city, to establish the qualifications of its members and the duties they will perform; to provide for the adoption, amendment and repeal of rules, regulations, job classification plans and pay plans to effectuate the purposes of this act; to provide for the employment of persons with and without competitive examination; to provide for temporary appointments and the manner in which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying-off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to require such Board to maintain certain records; to prohibit

political activity by certain employees of the city; to provide for the expenses of such Board; and to guarantee certain rights to the governing body of the city and to repeal conflicting laws.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MORGAN

NOTICE is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To provide a personnel program and merit system for the City of Decatur; to prescribe the personnel policy; to provide for a Personnel Board and to fix its duties, authority and power; to provide for the appointment, removal, salaries, tenure and official conduct of certain employees; and to provide for financing the administration of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. General provisions. The personnel policy of the City of Decatur shall be as follows:

(a) Employment shall be based on merit and fitness, free of political considerations.

(b) Just and equitable incentives and conditions of employment shall be established and maintained to promote efficiency and economy in the operation of the city government.

(c) Positions having similar duties and responsibilities shall be classified and compensated on a uniform basis.

(d) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.

(e) High morale shall be maintained by fair administration of this act and by every consideration of the rights and interests of employees consistent with the best interests of the public and the city.

(f) Tenure of employees covered by this act shall be subject to good behavior, the satisfactory performance of work, necessity for the performance of work, the availability of funds and the other provisions set forth in this act.

(g) The term "appointing authority" when used in this act shall refer to the Board of Commissioners or other like governing body of the City of Decatur.

Section 2. Division into classified and extempt services; status of present employees; scope of act. (a) All offices and positions of the city shall be divided into classified service and exempt service.

(1) The exempt service shall include all elected officials and members of boards and commissions; voluntary personnel and personnel appointed to serve without pay; consultants rendering temporary professional service; such positions involving seasonal or parttime employment, or which consist of unskilled work, as may be specifically placed in the exempt service by the personnel rules; attorneys rendering legal service; and persons employed by the Municipal Utilities Board of Decatur, Morgan County, Alabama, and the other boards and commissions of the city; provided however, employees of such other boards and commissions of the city may be placed in the classified service by resolution of the Board of Commissioners after favorable recommendation by such board or commission.

(2) The classified service shall include all other positions in city service that are paid out of the general fund of the city and which are not specifically placed in the exempt service.

(b) When this act becomes effective, all persons then holding positions included in the classified service shall have permanent status if they have held their present positions for at least six months immediately preceding the effective date of this act; or shall serve a probationary period of six months before acquiring permanent status if they have held their position for less than six months immediately preceding the effective date of this act.

(c) The class to which each employee shall have status shall be determined in the manner provided by this act, which act applies only to the classified service unless otherwise specifically provided.

Section 3. Personnel Board established; organization; general duties.

(a) The personnel program established by this act shall be administered by the Personnel Board. The Personnel Board shall consist of five members appointed by the Board of Commissioners. The members of the Board shall be persons in sympathy with the application of merit principles to public employment. No member of the Board shall be employed by or be an official of the city, nor hold any elective office. The members of the Board shall serve for a term of five years; provided that in the appointment of the first board there shall be appointed one member for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. Vacancies occurring during a term shall be filled for the balance of the term by the Board of Commissioners. Members of the Board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The Board shall elect its own chairman, vice chairman and secretary-treasurer.

(b) The Personnel Board, with the approval of the Board of Commissioners, shall have the right to employ such full or part-time assistants as shall be necessary to carry out the provisions of this act.

(c) In addition to the duties set forth elsewhere in this act, the Board shall advise the city on matters of personnel administration, including the development of personnel rules, a job classification plan and uniform pay plan; represent the public interest in the improvement of personnel administration in the city service; make any inquiry which it may consider desirable concerning personnel administration in the city service, and make recommendations to the city with respect thereto.

Section 4. Recommendation and adoption of rules. The Personnel Board shall draft such rules as may be necessary to carry out the provisions of this act. Following a public hearing conducted by the Personnel Board, rules recommended by the Personnel Board shall be submitted for adoption by resolution of the Board of Commissioners. The rules shall have the force and effect of law upon adoption by the Board of Commissioners. Amendments to the rules shall be made in accordance with the above procedure.

Section 5. Recommendation and adoption of job classifications. (a) Recommendations. The Personnel Board shall make an analysis of the duties and responsibilities of all positions in the classified service and shall recommend to the Board of Commissioners a job classification plan. Each position in the classified service shall be assigned to a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single descriptive title, the same qualifications requirements, the same test of competence, and the same pay scale. A job class may contain one position, or more than one position.

(b) Adoption. Within 60 days after the recommendation of the initial classification plan by the Personnel Board, the Board of Commissioners shall, after public hearing, approve a classification plan, and the Personnel Board shall thereafter allocate each position to its appropriate class. The class to which each position is initially allocated following adoption of this act shall be the class in which the employee shall have status conferred on him by this section.

(c) Revisions. The initial classification plan shall be revised from time to time as changing conditions require, upon recommendation of the Personnel Board and with the approval of the Board of Commissioners. Such revisions may consist of the addition, abolishment, consolidation, division or amendment of existing classes.

Section 6. Recommendations and adoption of compensation plan. (a) Recommendation. The Personnel Board, under the direction of the Board of Commissioners, shall prepare a pay plan and rules for its administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of public and private employment.

(b) Adoption. The Personnel Board shall submit the pay plan and the rules for its administration to the Board of Commissioners for adoption. The Board of Commissioners may adopt the plan and the rules, with or without amendment. All amendments shall apply uniformly to all positions within the same class.

(c) Assignment of job classes. After the pay plan and the rules for its administration have been adopted by the Board of Commissioners, the Personnel Board will assign each job class to one of the pay ranges provided in the pay plan.

(d) Amendments. After submission of any proposed amendments to the Personnel Board for its recommendations, the Pay Plan may be amended by the Board of Commissioners from time to time as circumstances require, either through adjustment of rates or by reassignment of job classes to different pay ranges.

Section 7. Appointments and promotions. (a) Original appointments

to vacancies occurring shall be based on merit as determined by competitive examinations, except that appointments to positions classified as laborer, custodial worker and utility or semi-skilled worker may be made by the appointing authority with the approval of the Personnel Board without such examinations.

(b) Examinations shall be in such form as will fairly test the abilities and aptitudes of candidates for the duties to be performed.

(c) Candidates who qualify for employment shall be placed on the eligible list for the appropriate job class in the rank order of the grades they obtained on the examination.

(d) Vacancies in positions above the entrance level shall be filled by promotion, and promotions shall be on a competitive basis except where the number of persons qualified for promotion is insufficient to justify competition. Promotions shall give appropriate consideration as to the applicant's qualifications, record of performance, and seniority.

(e) Pending the availability of an eligible list, vacancies may be filled by temporary appointment. Such appointments shall have a maximum duration of six months and may not continue beyond one pay period after the establishment of an appropriate eligible list.

Section 8. Eligible lists; determining eligibility for appointment. Eligible lists, in the order of their priority, shall be reemployment lists, promotional eligible lists and original appointment eligible lists.

(a) Re-employment lists shall contain the names of permanent employees laid off in good standing for lack of funds or work.

(b) Promotional eligible lists and original appointment eligible lists shall be created as provided in Section 7.

(c) Probationary employees laid off for lack of work or lack of funds, and probationary employees who resign and whose resignations are withdrawn within one year, with the approval of the appointing authority, may have their names restored to the eligible list from which their appointment was originally made.

(d) Method of filling vacancies. When an appointment is to be made to a vacancy, the Personnel Board shall submit to the appointing authority the names of the three persons ranked highest on the appropriate list who have indicated willingness to accept appointment. When more than one vacancy is to be filled the number of names submitted shall equal the number of vacancies plus two.

(e) Policies and procedures for administering eligible lists shall be provided in the personnel rules, covering the duration, cancellation, replacement, and consolidation of such lists, and the removal or suspension of the names of eligibles therefrom.

Section 9. Probation. (a) Employees appointed from original appointment eligible lists or from promotional eligible lists shall be subject to a period of probation. The regular period of probation shall be six months, provided that the personnel rules may specify a longer or shorter period of probation for certain designated job classes, or for extension of the probation period in individual cases. No probationary period may extend beyond twelve months.

(b) The work and conduct of probationary employees shall be subject to close scrutiny and evaluation, and if found to be below standards

satisfactory to the appointing authority, the appointing authority may remove or demote the probationer at any time during the probationary period. Such removals or demotions shall not be subject to review or appeal.

(c) An employee shall be retained beyond the end of the probationary period and granted permanent status only if the appointing authority affirms that the services of the employee have been found to be satisfactory and recommends that the employee be given permanent status.

Section 10. Absences; hours of work. Rules shall be adopted prescribing hours of work and the conditions and length of time for which leaves of absence with pay and leaves of absence without pay may be granted. These shall cover, among others, vacations, holidays, sick leaves and leaves for military service.

Section 11. Training. The Personnel Board shall encourage the improvement of service by providing employees with opportunities for training, which need not be limited to training for specific jobs but may include training for advancement and for general fitness for public service.

Section 12. Separation, suspension, and resignation. The tenure of every employee shall be conditioned on good behavior and the satisfactory performance of duties. Any employee may be temporarily separated by layoff or suspension, or permanently separated by resignation or dismissal.

(a) Separation for lack of work or funds. Whenever there is lack of work or lack of funds requiring reductions in the number of employees in a department or division of the city government, the required reduction shall be made in such job class or classes as the department head may designate, provided that employees shall be laid off in the inverse order of their relative length and quality of service, as determined by rules governing the evaluation of service. Within each affected job class, all temporary employees shall be laid off before probationary employees, and all probationary employees shall be laid off before any permanent employees.

(b) Suspension for poor performance. When in the judgment of an appointing authority or department head, an employee's work, or insubordinate attitude, performance, or conduct justifies disciplinary action short of dismissal, the employee may be suspended without pay. A suspended employee may not request a hearing before the Personnel Board unless the suspension is for more than fifteen working days, or unless the employee has already received a previous suspension within the six months immediately prior thereto.

(c) Separation or demotion for poor performance. A permanent employee may be dismissed or demoted whenever in the judgment of the appointing authority or department head the employee's work, performance, conduct, or insurbordinate attitude so warrants.

(d) Procedure for protesting dismissal. The dismissed employee shall have the right to file a protest in writing within two calendar weeks from the date of the dismissal and request a hearing. The Personnel Board shall schedule a hearing to hear the protest of the employee. At the discretion of the employee the hearing may be private or open to the public. In conducting a hearing the proceedings shall be informal and it shall be assumed that the action complained of was taken in good faith unless proved otherwise. If the Board finds the action was based on

political considerations or that the proper procedure was not followed as provided by this act the employee shall be reinstated to his former position without loss of pay. In all other cases wherein the Board does not sustain the dismissal action, the board's findings and recommendations shall be advisory in nature, and the Board of Commissioners shall affirm, reverse or modify the original action.

(e) Resignation. An employee may resign in good standing by filing his reasons with the appointing authority. An employee resigning in good standing may be reinstated to any position in the same class if there is need for his services within two years after the date of resignation.

Section 13. Records to be maintained by board. The Personnel Board shall maintain adequate records of the proceedings of the Personnel Board, and of its own official acts, the examination record of every candidate, and the employment record of every employee.

Section 14. Investigations, hearings; authority to call employees. During the course of any investigation or hearing the Personnel Board may request any employee of the city to attend and give witness. Any employee refusing to do so may be subject to disciplinary action as provided in Section 12.

Section 15. Political appointments and activities prohibited. Employees in the classified service shall be selected without regard to political considerations, shall not contribute to any political purpose, and shall not actively participate in any campaign for an elective city position.

Section 16. Expenses of the board. The governing body of the City of Decatur shall make necessary appropriations to finance the administration of the personnel and merit system and the expenses of the Personnel Board, including the payment of salaries of such full and part-time employees needed by such board to carry out the provisions of said system.

Section 17. Severability. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 18. Repealer. All laws or parts of laws which conflict with this act are repealed.

Section 19. Effective date. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF MORGAN

Before me, the undersigned authority in and for said County in said State, this day personally appeared B. C. Shelton, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Decatur Daily, a newspaper of general circulation published in Morgan County, Alabama, and that the attached notice

was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 24, July 31, August 7, and August 14, all in the year 1961.

B. C. SHELTON.

Sworn to and subscribed before me this 14th of August, 1961.

R. H. JERVIS,

Title Notary Public.

My commission expires Oct. 15, 1961.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1375 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Thomas and Lee:

H. 1477. Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 24,600 nor more than 25,300, according to the 1960 or any subsequent federal decennial census.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1477—to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and

ordered same sent forthwith to the Senate without engrossment:

By Messrs. Goodwyn, Bailey, Pierce and Goldthwaite:

H. 1512. To amend Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama which relates to the regulation and licensing of barbers and barber colleges, and other like businesses in any County of the State of Alabama having a population of at least 150,000 nor more than 250,000, to creating a barber's Commission for said counties and defining the powers and duties of said barber Commission and providing for an inspector and providing a penalty for the violation of the provisions thereof.

Also:

By Mr. Murphy:

H. 1513. To authorize and provide for the acquisition, improvement, equipment, operation, and maintenance (including the employment of custodians, counselors, instructors, and other personnel needed to accomplish the purpose for which the park is established) of public parks, which for the purposes of this Act shall include all types of public recreation and playground facilities and equipment thereof for children and youth, and of park assessment districts in certain counties classified on a population basis according to the last or any subsequent federal decennial census; to provide for the assessment by the county governing body of all or a part of the cost of the acquisition, improvement, equipment, operation and maintenance of such parks to the property benefited by the park, provided that such assessment is not in excess of the increased value of the property accruing because of the establishment or improvement and operation of such park and that the qualified electors of the park assessment district affected, voting at an election held on such questions, have not disapproved of the establishment of such park assessment district and the assessment against the lands benefited of the cost involved in acquiring, establishing, operating and maintaining the park; to require and regulate public hearings relative to the acquisition and improvement of such parks, and the establishment of park assessment districts prior to submitting to the electorate the question of the establishment of such districts and assessment of the cost thereof against the property therein; to provide for ordering and holding the elections above mentioned; to prescribe the manner of making improvement assessments; to provide for appeals therefrom; to make such assessments liens on the property against which assessed, provide for the collection and enforcement of such liens, and fix their rank in relation to other liens on such property; to provide for financing the acquisition, improvement, equipment, operation, and maintenance of such parks; and to prescribe the manner in which such assessments and assessment liens may be used in aid of such financing.

Also:

By Messrs. Murphy and Engel:

H. 1515. To authorize the governing bodies of all counties having populations of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent federal decennial census, to appropriate county funds for the purpose of providing death compensation comparable and equal to death compensation payable under Article 2, Chapter 5, Title 26, Code of 1940, as amended, for the death of county employees

arising out of and in the course of their employment, whether such death occurred prior or subsequent to the effective date of this Act; and to provide for the payment of such compensation.

Also:

By Messrs. Murphy and Engel:

H. 1516. To authorize and direct the county governing body of Mobile County to pay certain sums as supplementary pension payments to certain employees of the county entitled to retirement pay from sources to which the county has contributed.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To authorize and direct the county governing body of Mobile County to pay certain sums as supplementary pension payments to certain employees of the county entitled to retirement pay from sources to which the county has contributed.

Be It Enacted by the Legislature of Alabama:

Section 1. For the purpose of this Act the term "employe" shall be interpreted broadly and wherever there is reasonable doubt as to its meaning the doubt shall be resolved in favor of the applicant for the pension.

Section 2. The board of county commissioners, board of revenue or like county governing body of Mobile County shall pay the sums of money, not otherwise appropriated, necessary to comply with Section 3 of this Act out of the various funds of the county in the manner that county employees are paid. Said sums shall be paid only to persons who receive retirement payments from a source or sources to which the county shall have contributed, including any fund or funds from which pensions are payable under Act No. 515, H. 93, approved July 9, 1945, an act establishing a state employee's retirement system (General Acts of Alabama, p. 734), as amended, and any fund or funds from which Social Security pension payments are payable. Said sums shall be supplementary to said retirement payments from a source or sources to which the county shall have contributed.

Section 3. Subject to Section 2, each employee of Mobile County and each employee of any department, court or agency of the county, all or a part of whose compensation is paid by the county and who meets the following qualifications shall receive a sum of money payable by the county in the amount necessary to comply with the following provisions:

(1) Any employee on retired status who shall have served a minimum of twenty years in the employment of the county or in the employment of one or more departments, courts or agencies thereof or twenty years in the employment of the county and one or more of said departments, courts or agencies and who shall have attained an age of sixty-two years or more, the last ten years having been immediately prior to the beginning of said retired status unless said employee shall have been permanently disabled at an age less than sixty-two years, shall be entitled to receive from the county supplementary payments as provided for in Section 2 in amounts necessary in order that the aggregate of payments under this subsection and all payments from any source or sources to which the county shall have contributed shall equal fifty per cent of the active service compensation* of the position for which said employee shall receive pension payments. In the event that said position shall not be in existence at the time of payments under this Act the position which encompasses the former duties of said position shall be substituted therefor in computing payments under this Act.

(2) Any person who shall be entitled to payment under (1), and shall have served in the employment prescribed therein, but a minimum of twenty-five years, shall be entitled to receive payments, as therein provided for, in such amount that the aggregate of payments under this subsection and all other payments from any source or sources to which the county shall have contributed shall equal fifty-five per cent of the active service compensation provided for therein.

(3) Any person who shall be entitled to payment under (1), and shall have served in the employment prescribed therein, but a minimum of thirty years, shall be entitled to receive payment, as therein provided for, in such amount that the aggregate of payments under this subsection and all other payments from any source or sources to which the county shall have contributed shall equal sixty per cent of the active service compensation provided for therein.

(4) Any person who shall meet all the qualifications of (1), except for length of service and age, but who shall have attained the age of fifty years, shall have served ten or more years in the employment prescribed therein, and shall be permanently and totally disabled, shall be entitled to receive payment as therein provided for, but only in such amount necessary in order that the aggregate of payments under this subsection and all other payments from any source or sources to which the county shall have contributed shall equal a percentage of the active service compensation provided for therein which is two and one-half times the number of years of such service.

Section 4. All laws or parts of laws which conflict with this Act are repealed.

Section 5. This Act shall become effective October 1, 1962.

*Or that portion thereof paid by the county should such compensation be paid in part by some agency other than Mobile County.

PROOF OF PUBLICATION

Dan E. Miller, Jr., being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 28, Aug. 4, 11, 18, 1961.

DAN E. MILLER.

Sworn to and subscribed before me this 18th day of August, 1961.

JOHN A. BELL,

Notary Public.

Also:

By Messrs. Murphy and Engel:

H. 1517. To provide for temporary commitment of insane persons by the probate judge of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To provide for temporary commitment of insane persons by the probate judge of Mobile County.

Be It Enacted by the Legislature of Alabama:

Section 1. The court of county commissioners, board of revenue, or other like governing body of Mobile County may provide a suitable place for the confinement of insane persons taken into custody or arrested by any officer or person, as provided by law, in addition to the county jail, at such suitable place as the county governing body may determine; and the county governing body may maintain such place so provided in a manner suitable for the purposes for which it is to be used and provide such guard or guards, and such nurse or nurses, and other persons as may be necessary for the detention and care of such insane persons as may be confined therein. The probate judge of the county, upon having an insane person brought before him by

any officer or other person, shall issue a mittimus or commitment of such insane person to the county jail, or insane hospital, or to the place or places designated by the county governing body as herein provided, until inquisition proceedings may be had as to such person so confined.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

Dan E. Miller, Jr., being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 31, Aug. 7, 14, 21, 1961.

DAN E. MILLER.

Sworn to and subscribed before me this 22 day of August, 1961.

JOHN A. BELL,

Notary Public.

Also:

By Messrs. Murphy and Engel:

H. 1519. To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

Be It Enacted by the Legislature of Alabama:

Section 1. All elected officials or former elected officials of Mobile County or any incorporated municipality therein shall be covered under the retirement system or systems applicable to their respective governmental agencies, in the same manner as other employes, except as herein otherwise provided. As used in this Act "elected official" shall mean any person who serves in an elective office or a person who serves in a non-classified office under appointment from an elective officer or any under appointment from any agency set up under the supervision of elective officers and who is not compensated on an hourly basis after January 1, 1962, in Mobile County or in an incorporated municipality therein in which the employes of the county or municipality are covered by a retirement system and in which the provisions of this Act becomes operative. "Former elected official" shall mean any person who has served in an elective office or a person who serves in an non-classified office under appointment from an elective officer or any under appointment from any agency set up under the supervision of elective officers and who is not compensated on an hourly basis prior to January 1, 1962, but is not serving on that date in Mobile County or in any incorporated municipality therein in which the employes of the county or municipality are covered by a retirement system and in which the provisions of this Act become operative.

Section 2. After January 1, 1962, each elected official of Mobile County or any incorporated municipality therein shall pay into the retirement fund in the same manner as other employes. Any such elected official or former elected official shall receive credit for retirement purposes for all service rendered priod to January 1, 1962.

Section 3. Any elected official or former elected official who has served at least sixteen years in an elective position in the county or incorporated municipalities therein having retirement systems shall be entitled to full participation in the retirement systems. But any such official serving at least ten years in an elective office shall be entitled to a retirement allowance on the basis of the ratio that his service bears to sixteen years.

Section 4. The county governing body and the city governing bodies shall pay into the respective retirement systems such amount for each person coming under this Act to pay the cost of such retirement allowance as shall be provided by Section 5 of this Act. In the event that any such official shall have served as an elected official of more than one such governmental unit within the county, each such governmental unit shall pay into their respective retirement systems their prorata share based on the total compensation paid to the official, so that the total allowances paid to such official shall be an amount equal to that to which he would have been entitled had he served in the most remunerative office for the entire time.

Section 5. The actuary of the Employe's Retirement System of Alabama shall determine the amount to be paid into the system by the employer and shall determine the amount of the allowance to which such official shall be entitled. When the official shall have been employed by a governmental unit whose employes are not covered by the Employe's Retirement System of Alabama, the actuary shall determine the amounts after consultation with the actuary of such other retirement system.

Section 6. All laws or parts of laws which conflct with this Act are repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become operative only when approved by a majority of the qualified electors of the county, or of the municipalities affected thereby, voting in a referendum held or, that purpose. The first referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the passage of this Act. The county commission of Mobile County shall order and provide for holding the referendum on such date. Subsequent elections on the question may be ordered and provided for by the governing body of the county at intervals of not less than one year if the county fails to approve the Act. The governing body of any municipality may order a subsequent election at intervals of not less than one year if such municipality fails to approve the Act.

PROOF OF PUBLICATION

Dan E. Miller, Jr., being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 28, Aug. 4, 11, 18, 1961.

DAN E. MILLER.

Sworn to and subscribed before me this 18 day of August, 1961.

JOHN A. BELL,

Notary Public.

Also:

By Messrs. Murphy and Engel:

H. 1520. To create the Mobile Area Foundation for Public Higher Education to provide for, promote, and encourage education on a college or university level; to provide for the selection of the members and board of directors of such Foundation; to authorize and direct such board to become a public non profit corporation; to prescribe the manner of effecting such corporation; to authorize and empower the corporation to enter into agreements with certain public educational bodies for the purpose of providing public higher educational facilities for the Mobile area, to transfer property to such educational body for such purposes, to buy, sell, lease and hold land, to accept gifts and bequests for educational purposes, to make contracts, incur liabilities, borrow money, pledge assets and loan funds; and to provide for the perpetual succession of the corporation.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MOBILE.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To create the Mobile Area Foundation for Public Higher Education to provide for, promote, and encourage education on a college or university level; to provide for the selection of the members and board of directors of such Foundation; to authorize and direct such board to become a public non profit corporation; to prescribe the manner of effecting such corporation; to authorize and empower the corporation to enter into agreements with certain public educational bodies for the purpose of providing public higher educational facilities for the Mobile area, to transfer property to such educational body for such purposes, to buy sell, lease and hold land, to accept gifts and bequests for educational purposes, to make contracts, incur liabilities, borrow money, pledge assets and loan funds; and to provide for the perpetual succession of the corporation.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby created the Mobile Area Foundation for Public Higher Education, hereinafter designated the Foundation. The Foundation shall be a public body corporate, and its purpose shall be to provide for, promote and encourage education on a college or university level and cultural opportunities for the inhabitants of the Mobile area.

Section 2. The Foundation shall be managed by a board of directors composed of eighteen members, six of whom shall be appointed by the Mobile City Commission, six shall be appointed by the Mobile County Commission or like governing body, and six shall be appointed by the Mobile County Board of Education. Consideration by the appointing authorities shall be given to persons recommended by the University of Alabama and by the Mobile Area Chamber of Commerce for appointment. The members of the board of directors shall serve for terms of six years except that in making the first appointments the appointing authorities shall each appoint two members for six year terms, two members for four year terms and two members for two year terms. Directors shall be eligible for reappointment by the appointing authorities to succeed themselves in office. The board of directors and their respective successors shall constitute the membership of the Foundation and any seven members thereof shall constitute a quorum. If any director dies, or resigns, or becomes incapable of acting as a director, or ceases to reside in the county, the remaining directors may elect a director to fill the unexpired term. The members of the board of directors shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties as directors.

Section 3. Immediately after their appointment the board of direc-

tors of the Foundation shall meet and elect from among its membership a president, first vice president, second vice president, secretary, treasurer and such other officers as the board shall deem necessary, who shall serve for a term of one year or until their successors are elected and qualified.

Section 4. The directors of the Foundation shall present to the Secretary of State a declaration signed by them which shall set forth the name and official residence of each of the directors together with a certificate that they desire to become a public corporation under the name herein designated; the term of office of each director and the place where the official appointment of each said director is kept a record; the name which is proposed for the corporation which shall be the Mobile Area Foundation for Public Higher Education; the address of the corporation, which shall be Mobile Center, University of Alabama, Mobile, Alabama; and the purpose of purposes for which the corporation is formed. The declaration shall be subscribed and sworn to by each of the directors before an officer authorized by the law of the State of Alabama to take and certify oaths, who shall certify upon the declaration that he personally knows the directors and believes them to be the persons as described in the declaration and that each subscribed and sworn thereto in the officer's presence. The Secretary of State shall examine the declaration and if he finds that the name proposed for the corporation is not identical with that of any person or any other corporation of the State or so nearly similar as to lead to confusion and uncertainty, he shall receive and file the declaratin of incorporation and record it in an appropriate book of records in his office.

When the declaration has been made, filed, and recorded as herein provided the Foundation shall constitute a public body and a body corporate and politic under the name proposed in the declaration and the Secretary of State shall make and issue a certificate of incorporation under the seal of the State and shall record such certificate with the declaration.

Section 5. All powers of the corporation shall be exercised by the directors or pursuant to their authority. All proceedings of the directors shall be reduced to writing by the secretary of the corporation and shall be recorded in a well-bound book. Copies of such proceedings, when certified by the secretary of the corporation under its seal, shall be received in all courts as evidence of the matters and things therein certified. The fiscal year of the corporation shall end on the last day of the month in which the Foundation was incorporated.

Section 6. The corporation shall have the following powers: (1) To have perpetual succession; (2) to sue and be sued and to prosecute and defend, at law or in equity, in any court having jurisdiction of the subject matter and of the parties thereto; (3) to have and use a corporate seal and to alter the seal at pleasure; (4) to enter into an agreement with the University of Alabama or other public educational body to provide public higher educational facilities for the Mobile area; (5) to transfer property to such educational body for said purpose; (6) to buy, sell, lease and hold land and buildings; (7) to make contracts, incur liabilities; (8) to borrow money, pledge assets, to loan funds, and accept gifts and bequests for educational purposes; and (9) to expend funds donated or appropriated to the corporation for the purpose of providing for promoting and encouraging education on a college or university level.

Section 7. The provisions of this Act are severable. If any part of the

Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are repealed.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

Dan E. Miller, being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 31, Aug. 7, 14, 21, 1961.

DAN E. MILLER.

Sworn to and subscribed before me this 22nd day of August, 1961.

JOHN A. BELL,

Notary Public.

Also:

By Mr. Smith (St. Clair):

H. 1523. To regulate further the construction, operation and maintenance of public high schools in St. Clair County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

To regulate further the construction, operation and maintenance of public high schools in St. Clair County.

Be It Enacted by the Legislature of Alabama:

Section 1. A referendum election shall be held in St. Clair County on the first Tuesday following the expiration of three months from final adjournment of the 1961 regular session of the Legislature, for the purpose of determining the sentiment of the qualified electors of the county on the question of consolidation of certain public high schools within the county. The court of county commissioners, board of revenue or other like governing body of the county shall provide for holding the election on said day and date, and the expenses incident to the election shall be paid by the county. The election shall be held and conducted as nearly as may be according to general laws governing county bond elections.

Notice of the election shall be given by publication in a newspaper of general circulation in the county at least one time not less than 15 nor more than 30 days before the election. The question to be printed on the ballots shall be substantially stated as follows: "Shall the County Board of Education construct a consolidated high school, at a central location in north St. Clair County, for white students in grades 10, 11 and 12, to educate white students in such grades now being housed at Ragland, Springville, Ashville and Odenville?"

Section 2. If a majority of the electors voting at the election provided for in Section 1 vote against the proposition as stated on the ballots, the board of education of St. Clair County shall be bound by the results of the election and shall not have authority to construct a new consolidated high school in accordance with any plans or resolution previously adopted.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA,

ST. CLAIR COUNTY.

Before me, the undersigned authority in and for said County in said State, this day personally appeared E. R. Blair, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the St. Clair News-Aegis, a newspaper of general circulation published in St. Clair County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on 8-3, 8-10, 8-17, and 8-24, all in the year 1961.

E. R. BLAIR.

Sworn to and subscribed before me Aug. 24, 1961.

ETHEL BLAIR,

Title Notary Public.

Also:

By Messrs. Rogers and Adams:

H. 1524. To alter, re-arrange and extend the boundaries and corporate limits of the City of Tuskegee in Macon County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA,

COUNTY OF MACON.

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, re-arrange and extend the boundaries and corporate limits of the City of Tuskegee in Macon County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the boundary lines of the corporate limits of the City of Tuskegee in Macon County, Alabama be and the same are hereby extended, altered and re-arranged so as to include within the corporate limits of said City, all of the following described adjacent territory:

Beginning at the intersection of the North line of the corporate limits of the City of Tuskegee, Alabama, as the same exist of this date, with a line parallel to, and 40 feet westerly, measured at right angles from the center line of Alabama Highway No. 81, said intersection being a point 2100 feet North and 1119 feet East from the Southwest corner of Sec. 19, T-17N, R-24-E; thence northerly along a line parallel with and 40 feet from the center line of said Alabama Highway No. 81, 7931 feet more or less to its intersection with a line parallel to and 80 feet southwesterly, measured at right angles from the center line of Alabama Highway No. 199, known as Tuskegee-Airport Road thence northwesterly, westerly and northwesterly along a line parallel to and 80 feet from the center line of said last mentioned road 26,730 feet more or less to a point that is 40 feet southeasterly from the center of Bulger Creek; thence along a line parallel with and 40 feet from the center of said Bulger Creek, through the following points S41°44'W, 1270.6 feet, S2° 57'E, 1077.7 feet, S27°13'W, 1229.9 feet. S43°20'W, 1422.1 feet to a point in the West line of Section 4, T-17-N, R-23-E; thence S2°43'W along the west line of said Section 4, 1588.6 feet more or less to the Northwest corner of the Southwest ¼ of said Section 4, thence due East 1327.4 feet to a point 100 feet west of the center of an existing unpaved county road; thence along a line parallel with and 100 feet from the center of said County Road, through the following points, S41°17'E, 224.9 feet, S22°32'E, 239.9 feet, S6°28'W, 485 feet, S17°27' E, 462.5 feet, S29°32'E, 332.0 feet, S15°47'E, 339.7feet to the center line of the Western Railway of Alabama; thence due south 1122.2 feet; thence S88°27'W, 2094.4 feet to a point in the West line of Section 9, T-17-N, R-23-E, said last mentioned point being S2°43'W, 660 feet from the Northwest corner of said Section 9; thence S88°27'W, parallel with the North line and the Westerly prolongation thereof of Section 8, T-17-N, R-23-E, 7618.2 ft. to the W. line of the NE¼ of Section 7, T-17-N, R-23-E; thence North 0°24'W, 9319.6 feet to the Northwest corner of the Tuskegee Army Air field reservation, said last mentioned corner being marked by a concrete monument; thence N88°38'E along the North line of said Reservation 1320 feet more or less thence due North 1980 feet more or less to the North line of Section 31, T-18-N, R-23-E; thence due East 1320 feet more or less to the Northeast corner of said Section 31; thence due North 2640 feet to the Northwest corner of SW¼ of Section 29, T-18-N, R-23-E; thence due East 3145 ft. more or less to the southwesterly R/W line of Macon County Road

No. 25, (80 feet wide); thence southeasterly along said R/W line 1804 feet more or less to the south line of the N½ of the SE¼ of said Section 29; thence due West 1730 feet more or less to the SW corner of the N½ of the SE¼ of said Sec. 29; thence South 1320 feet more or less to the Northwest Corner of the NE¼ of Sec. 32, T-18-N, R-23-E; thence East 5280 feet more or less to the Northeast corner of the NW¼ of Sec. 33, T-18-N, R-23-E; thence due South along the East line of NW¼ of said Section 33 1780 feet more or less to a point that is 40 feet southeasterly from the center of Bulger Creek: thence S41°44' West 310 ft. more or less to a line that is parallel with and 80 feet northeasterly measured at right angles from the center line of Alabama Highway No. 199, known as Tuskegee-Airport Road thence southeasterly, easterly and southeasterly along a line that is parallel with and 80 feet from the center line of said Alabama Highway No. 199 known as Tuskegee-Airport Road, 26,775 ft. more or less to a line that is parallel with and 40 ft. easterly, measured at right angles from the center line of Alabama Highway No. 81; thence southerly along a line that is parallel with and 40 feet from the center line of said Alabama Highway No. 81, 8067 feet more or less to the said North line of the corporate limits of the said City of Tuskegee, Alabama; thence West along said North line of corporate limits 80 feet to the point of beginning, being in Sections 7, 18, and 19, T-17-N, R-24-E, Section 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12, T-17-N, R-23-E, and also Sections 28, 29, 31, 32, 33, and 34, T-18-N, R-23-E.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval of the Governor of the State of Alabama or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF MACON

Before me, the undersigned authority in and for said County and State, this day personally appeared Mrs. Hal Fisher, who, being by me first duly sworn, deposes and says that during the times herein mentioned she was Editor of the Tuskegee News, a newspaper of general circulation published in Macon County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 27, Aug. 3, Aug. 10, and Aug. 17, all in the year 1961.

MRS. HAL FISHER.

Sworn to and subscribed before me Aug. 17, 1961.

CARRIBEC CARR,

Title Notary Public.

My Commission Expires Jan. 6, 1962.

Also:

By Mr. Brannan:

H. 1527. Authorizing the governing bodies of all counties having populations of not less than 48,500 nor more than 49,750 to provide retirement allowances for certain county employees.

Also:

By Mr. Brannan:

H. 1528. To authorize the employment of an administrative assistant to the governing body of any county having a population of not less than 48,500 nor more than 49,750.

Also:

By Mr. Brannan:

H. 1529. Relating to the appointment, duties, and compensation of the county treasurer in all counties having populations of not less than 48,500 nor more than 49,750.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1512, 1513, 1515, 1516, 1517, 1519, 1520, 1523, 1524, 1527, 1528 and 1529—to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Murphy:

H. 598. To amend Section 179 of Article 2, Chapter 5, Title 37, Alabama Code of 1940, as the same pertains to cities having a population of not less than 175,000 nor more than 300,000 persons.

Also:

By Messrs. Perry, Hawkins, Locke, Edwards, Morrow and Sessions:

H. 1492. Relating to the selection of textbooks for use in public schools in counties having populations of 600,000 or more; amending further Section 12 of Act No. 412, S. 261, Regular Session 1945, an act providing for the adoption, selection, purchase and distribution of textbooks (Gen. Acts 1945, p. 647).

Also:

By Messrs. Hawkins, Perry, Locke, Edwards, Morrow and Sessions:

H. 1493. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent census.

Also:

By Messrs. Locke, Morrow, Perry, Hawkins, Edwards and Sessions:

H. 1494. To amend Act No. 530, H. 1096, Regular Session 1959, an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

Also:

By Messrs. Sessions, Edwards, Morrow and Locke:

H. 1495. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

A BILL

TO BE ENTITLED

AN ACT

To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Be It Enacted by the Legislature of Alabama:

Section 1. That, from and after the passage and approval of this Act the boundary lines of the City of Mountain Brook, Jefferson County, Alabama, be and the same are altered and re-arranged so as to include within the corporate limits of said City, in addition to the territory included within its present corporate limits, the territory lying and situated in Jefferson County, Alabama, contiguous to said City, more particularly described as follows:

A tract of land situated in the SW¼ of the NW¼ of Section 11, Township 18 South, Range 2 West, more particularly described as follows: Begin at the NE corner of said ¼-¼ Section; thence run west along the North line of said ¼-¼ Section for 1,363.61 feet to the NW corner of said ¼-¼ Section; thence 91°50' left and run south along the

west line of said ¼-¼ Section for 362.86 feet, to the SW corner of Lot 12 of Shook Addition to Ashland Place, First Sector as recorded in Map Book 61, Page 9 in the Office of the Judge of Probate in Jefferson County, Alabama; thence 90°00' to the left and run east for 395.04 feet; thence 37°13' right and run southeasterly for 82.01 feet; thence 33°07' to the right and run southeasterly for 541.48 feet; thence 1°31' 30" to the left and run southeasterly for 258.32 feet; thence 92°27' to the left and run northeasterly for 684.14 feet to a point on the east line of said ¼-¼ Section; thence 66° 20' 35" to the left and run north along the east line of said ¼-¼ Section for 845.32 feet to the point of beginning.

Section 2. That this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA
JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA LEGAL ADVERTISER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 29, Aug. 5, 12, 19, 1961, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 19th day of August, 1961.

MILDRED M. GRIFFIN,
Notary Public.

Also:

By Messrs. Sessions, Edwards, Morrow and Locke:

H. 1496. To amend the title and Sections 1, 3, 5, 9 and 10 of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949 page 827 et seq.) entitled, "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and

to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as heretofore amended.

Also:

By Messrs. Sessions, Perry, Morrow, Locke and Edwards:

H. 1525. To provide for the establishment and administration of a General Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees and officers of said County; to provide for membership and benefits for present and future employees, excepting, and provided that no person shall be eligible who is a member of or receiving retirement benefits under the provisions of that retirement system created by that certain Act of the Legislature No. 810, page No. 1411, General Acts of Alabama of 1951, approved September 11, 1951, or created by that certain Act of the Legislature No. 551, page No. 766, General Acts of Alabama of 1953, approved September 9, 1953, as amended by that certain Act of the Legislature No. 95, page No. 407, Second Special Session of the Legislature of Alabama of 1956, approved April 14, 1956.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

Notice is hereby given of intention to apply at the present session of the Legislature of Alabama, for introduction and passage of a Bill the substance of which, as distinguished from details, is and will be the substance, as distinguished from detail of the following:

A BILL

TO BE ENTITLED

AN ACT

To provide for the establishment and administration of a general retirement system for county employees and officers of Jefferson County, Alabama; to provide for the eligibility for membership therein, and the time such membership becomes effective; to provide for the organization of a Pension Board to administer the system, and for the membership and duties thereof; to designate a Legal Advisor and Secretary, and authorize a Medical Advisor for said Board; to require a periodic actuarial investigation of the system; to designate the County Treasurer as Treasurer of the system, and for the disbursement of the system's funds; to authorize the investment of the system's funds by the Board; to provide for the rate and manner of payment by the members and by Jefferson County of contributions to the system, and for the withdrawal

of member's contributions under certain conditions; to provide the requirements for eligibility of a member for retirement for superannuation or for disability, and the benefits upon such retirement; to provide for the payment of expenses and other costs of administration, and for the keeping of records of the system; to provide the effective date of this act.

AFFIDAVIT OF PUBLICATION

STATE OF ALABAMA

JEFFERSON COUNTY

Before me, the undersigned authority in and for said County, in said State, personally appeared Eleanor O. Abercrombie, who, being by me first duly sworn, deposes and says that she is the PUBLISHER OF ALABAMA LEGAL ADVERTISER, a weekly newspaper of general circulation published in Jefferson County, Alabama, which was established in 1918 under the name of Southern Labor Review which said name was changed to Alabama Legal Advertiser on the 5th day of December, 1959, and which has been published consecutively weekly since said date. And that there was published in said newspaper in the issues of July 29, Aug. 5, 12, 19, 1961, a legal notice, a copy of which is hereto attached.

ELEANOR O. ABERCROMBIE,
Publisher.

Sworn and subscribed to on this the 19th day of August, 1961.

MILDRED M. GRIFFIN,
Notary Public.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 598, 1492, 1493, 1494, 1495, 1496 and 1525—to the Committee on Local Legislation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Murphy:

H. 597. To amend Section 169 of Article 2, Chapter 5, Title 37,

Alabama Code of 1940, as the same pertains to cities having a population of not less than 175,000 nor more than 300,000 persons.

Also:

By Mr. Murphy:

H. 595. To amend Section 178 of Article 2, Chapter 5, Title 37, Alabama Code of 1940, as the same pertains to cities having a population of not less than 175,000 nor more than 300,000 persons.

Also:

By Mr. Murphy:

H. 596. To amend Section 154 of Article 2, Chapter 5, Title 37, Alabama Code of 1940, as the same pertains to cities having a population of not less than 175,000 nor more than 300,000 persons.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 597, 595 and 596—to the Committee on Local Legislation.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-third Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DENNIS PORTER,

Chairman.

COMMITTEE REPORT

On motion of Mr. Porter, the foregoing report was concurred in and the Journal of the Senate for the Thirty-third Legislative Day was approved by the Senate.

ADJOURNMENT

The hour of 12:00 o'clock Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of S. B. 400, to meet again, in accordance with motion heretofore adopted, Wednesday, August 30, 1961 at 12:01 A.M.

THIRTY-FOURTH LEGISLATIVE DAY

WEDNESDAY, AUGUST 30, 1961

The Senate met pursuant to adjournment, Lieutenant Governor Boutwell presiding.

PRAYER

The Session was opened with prayer by Honorable Joe W. Graham, Senator, Fifteenth Senatorial District.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt

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JOURNAL

On motion of Mr. Wyatt, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

UNFINISHED BUSINESS

BILLS ON THIRD READING

The Senate proceeded to consideration of the unfinished business of yesterday which was the Bill:

S. 400. To amend Sections 6, 14, 16, 19 and 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation

of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."
and pending amendments.

The question was on the substitute motion by Mr. deGraffenried that further consideration of the Bill, and pending amendments, be postponed until the 35th Legislative Day without losing its place on the calendar as unfinished business.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 8. To repeal Act No. 47, H. 61, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid" (Acts of Alabama 1955, vol. I, p. 157).

Also:

S. 9. To apply in all counties having a population of not less than 42,000 nor more than 46,000, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation.

Also:

S. 10. To repeal Act No. 48, H. 62, approved April 8, 1955, entitled, "An Act to apply in all counties having a population of not less than 47,500 nor more than 52,500, according to the last or any subsequent federal decennial census; regulating further the office of county solicitor in such counties; imposing extra, new, and additional duties upon such officer, and providing further for his compensation," (Acts of Alabama 1955, vol. I, p. 158).

Also:

S. 11. To repeal Act No. 446, H. 935, approved November 13, 1959, entitled, "An Act to provide for the compensation of the deputies or clerks of the tax assessors and tax collectors of all counties having a population of not less than 47,000 nor more than 51,000, according to

the most recent federal decennial census" (Acts of Alabama 1959, vol. II, p. 1140).

Also:

S. 12. To repeal Act No. 448, H. 630, approved August 17, 1951, entitled, "An Act to fix the salary of County Superintendents of Education in all counties of the State of Alabama having a population of not less than 45,090 and not more than 46,550 according to the 1950 Federal Census, or any subsequent Federal census, and to provide when this Act shall take effect" (Acts of Alabama 1951, vol. I, p. 800).

Also:

S. 30. To regulate the compensation and allowances of the tax collectors of all counties having populations of not less than 65,000 nor more than 95,000.

Also:

S. 31. To regulate the compensation and allowances of the tax assessors of all counties having populations of not less than 65,000 nor more than 95,000.

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 479. To revise the privilege license schedules relating to the registration of trucks, truck-tractors, trailers, and semi-trailers operated for hire, repealing conflicting laws.

Also:

H. 1031. To amend Section 26 of Title 46, Alabama Code of 1940, relating to the admission to the state bar of graduates of the law department of the University of Alabama.

Also:

H. J. R. 96. Relative to commending Mr. William Letford and expressing gratitude for the services he has rendered to the State.

OAKLEY MELTON, JR.,
Clerk.

SIGNING OF BILLS AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 230. To make an appropriation from the Oil and Gas Fund to the State Building Commission for the purpose of making improvements on and adding equipment to the State Oil and Gas Building located at the University of Alabama.

Also:

H. 366. To amend the title and Section 1 of Act No. 506, S. 554, approved August 22, 1951 (Acts of Alabama 1950-1951, vol. II, p. 898), which relates to the circuit solicitors of judicial circuits having two judges and being composed of only two counties, one of which has a population of not less than 73,100 nor more than 93,500.

Also:

H. 367. To amend the title and Section 1 of Act No. 67, H. 56, First Special Session, 1956, approved February 7, 1956 (Acts of Alabama 1956, p. 99), an Act abolishing the fine and forfeiture funds of all counties having populations of not less than 73,000 nor more than 93,000.

Also:

H. 462. To Amend Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof."

Also:

H. 481. To amend Act No. 664, H. 791, approved July 5, 1940 (General Acts of Alabama, 1939, p. 1050), which provides for the levy, as-

sessment, and collection of mileage taxes from motor carriers in the State of Alabama, so as to eliminate the imposition of such tax on vehicles transporting property for-hire.

Also:

H. 976. Fixing the compensation of the chairman of the board of revenue, court of county commissioners or other like county governing body in all counties having populations of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census.

Also:

H. 1024. To amend Sections 2, 3 and 4 of Act No. 474, S. 219, Regular Session 1953, entitled "An Act to provide supernumerary circuit solicitors of the State of Alabama; to provide the conditions under which a circuit solicitor may become a supernumerary circuit solicitor; to prescribe the qualifications, duties, powers, authority, compensation, method of removal from office of such supernumerary circuit solicitors; to provide for filling vacancies created by a circuit solicitor becoming a supernumerary circuit solicitor; to provide for reimbursement to such supernumerary circuit solicitors their reasonable expenses incurred for travelling on official business in counties other than that of their residence, and to appropriate funds for the payment of compensation and expenses of such supernumerary circuit solicitors," (Acts of Alabama 1953, Vol. I, page 589).

Also:

H. 1088. To create the Madison County Coliseum Administration Board; to prescribe its duties; to prescribe the manner of selecting and compensating the board; to make provision for the members of the board to furnish a bond; to make provision for the appointment and compensation of a coliseum manager and other employees and to authorize appropriations by the county governing body.

Also:

H. 1089. To provide additional revenue for educational purposes in Lowndes County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

H. 1094. To create the Madison County Coliseum Administration Board; to prescribe its duties; to prescribe the manner of selecting and compensating the board; to make provision for the members of the board to furnish a bond; to make provision for the appointment and compensation of a coliseum manager and other employees and to authorize ap-

propriations by the county governing body.

Also:

H. 1167. To amend Act No. 155, H. 296, Regular Session 1953, an act relating to the duties and compensation of county commissioners of Bullock County (Acts of Ala. 1953, vol. I, p. 197).

Also:

H. 1226. To authorize the incorporation as a public corporation of any district tuberculosis sanatorium established in this state pursuant to Act No. 287 enacted at the 1945 Regular Session of the Legislature of Alabama; to provide the procedure for such incorporation, for the consequences thereof and for the composition and election of the board of trustees for each such corporation; to grant broad powers to each such corporation, including the power to borrow money, to issue securities and to secure any such securities by mortgage and pledge of its properties and revenues; to specify certain details and characteristics of such securities; to exempt from taxation all property of each such corporation, all securities issued by each such corporation and the income therefrom and certain instruments executed by or to it; to provide that no such corporation be sued in action ex delicto; and to authorize any political subdivision or agency of the state to convey property to any such corporation without consideration and to appropriate funds thereto.

Also:

H. 1230. To alter and re-arrange the boundaries of the town of Centreville, Bibb County, so as to annex certain territory to the town.

Also:

H. 1232. To alter, rearrange and extend the corporate limits of the Town of Oxford, Calhoun County, Alabama.

Also;

H. 1238. Relating to Colbert County; fixing the compensation of the chairman of the board of revenue, court of county commisioners, or other like governing body of Colbert County.

Also:

H. 1239. Relating to Colbert County; fixing the compensation of members, other than the chairman, of the board of revenue, court of county commissioners, or other like governing body of Colbert County.

Also:

H. 1240. To vacate and annul as a public street, thorough-fare, avenue or public way and to divest and terminate the right of the public and the City of Muscle Shoals, Alabama, to use as a street, thoroughfare, avenue or public way that part of Worthington Avenue, Barry's

Business Centre, Block "A", City of Muscle Shoals, Alabama, Colbert County, Alabama, lying between the easterly boundary of Burrough Avenue and the westerly boundary of Fords Way; also that part of said Worthington Avenue lying between the eastern boundary of Fords Way and the western boundary of Edison Avenue and also all that part of said Worthington Avenue lying between the eastern boundary of Edison Avenue and the west boundary of Firestone Avenue.

Also:

H. 1241. To abolish the Cullman County Hospital Administration Board and create in lieu thereof the Cullman County Hospital Board to operate and maintain the hospital owned jointly by the County of Cullman and the City of Cullman; to provide for the appointment and prescribe the compensation and duties of members of the board; to provide for the election of a chairman of the board and prescribe his duties; to authorize the board to hire an administrator of the hospital and regulate his duties; to regulate the operation of the hospital; to authorize the City of Cullman and the County of Cullman, in the month following any month in which the hospital records show that the operating expenses of the hospital exceed its income, to make appropriations, within a prescribed limit, to cover the deficit.

Also:

H. 1244. To amend further Section 211 of Title 29, Code of Alabama 1940, which relates to the officers who may issue search warrants under the law regulating the possession, sale, and distribution of intoxicating liquors and alcoholic beverages.

Also:

H. 1255. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

H. 1256. To alter or rearrange the boundary lines of the City of Tarrant City, Alabama so as to include within the corporate limits of said City territory not already included therein.

Also:

H. 1257. To provide for and submit to the qualified electors of the State of Alabama an amendment to the Constitution of said State providing that the City of Mountain Brook, Jefferson County, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax of one-fourth of one per centum based upon the value of the property therein as fixed for state taxation, such additional tax to be levied only when authorized by the qualified electors of said City at an election called for such purpose, the adoption of such amendment not to affect,

limit, modify, abridge, or impair the power of such City to levy and collect any special school taxes now vested or hereafter conferred upon it under the Constitution, or any amendment thereto.

Also:

H. 1258. To apply in, and only in, counties having a population of 500,000 or more inhabitants, according to the last or any subsequent federal census, wherein the use of voting machines has been or shall be authorized; to provide for the time and manner of commencing contest in any district, municipal, county, state or federal election, whether a general, special or primary election, in any such county; to provide for the length of time the seal of each voting machine shall remain unbroken subsequent to its use in any election; to provide the date upon which this act shall become effective.

Also:

H. 1259. To amend and extend the corporate limits of the city of Mountain Brook in Jefferson County, Alabama.

Also:

H. 1260. To alter or rearrange the boundary lines of the Town of Fultondale, Alabama so as to include within the corporate limits of said Town territory not already included therein.

Also:

H. 1261. To alter, rearrange and extend the boundaries of the City of Lipscomb, Alabama, so as to include within the corporate limits thereof certain additional territory in Sections 25, 26 and 36, Township 18 South, Range 4 West, Jefferson County, Alabama:

Also:

H. 1289. To provide an allowance for expenses to the circuit solicitors of circuits composed of three counties having a combined population of more than 100,000.

Also:

H. 1290. Authorizing counties having a population of not less than 60,000 nor more than 62,500 and not less than 36,000 nor more than 37,500, according to the last or any subsequent federal decennial census, and the municipalities within such counties, either singly or jointly, to create Airport Authority Boards; providing for the selection of the members of such boards, and prescribing their qualifications and terms; and providing for the organization, jurisdiction, powers and duties of such boards.

Also:

H. 1295. To change the method of compensating certain officers of

St. Clair County: Fixing the salaries of such officers, and providing for the clerical assistance, office space, equipment, and supplies necessary for the conduct of their offices.

Also:

H. 1296. To provide for and require the use of voting machines for registering, recording and computing the votes at all elections hereafter held in certain election precincts or beats in St. Clair County.

Also:

H. 1297. To alter the corporate limits of the City of Tuscaloosa, and to rearrange and define the boundaries thereof.

Also:

H. 1299. Relating to Walker County; abolishing the county court of Walker County and establishing in lieu thereof the Walker County Law and Equity Court; defining the court's jurisdiction and powers; providing for its officers, and their powers, duties and compensation; providing for the holding of the terms and sessions of the court; providing for the rules and procedure of the court; and providing for the transfer of all cases pending in the county court of Walker County to the Walker County Law and Equity Court.

Also:

H. 1308. To provide additional revenue in Cullman County; authorizing the Court of County Commissioners, Board of Revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license taxes paralleling, at lower rates, state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama of 1940, as heretofore or hereafter amended or supplemented; and to provide for the ascertainment, collection, payment, distribution and use of the proceeds of such license tax; and for the enforcement of this Act; and to prescribe penalties and fixing punishment for any violation of this Act.

Also:

H. 1312. To amend Section 1 of Act No. 23, H. 3, Second Special Session 1955, an act relating to the Nineteenth Judicial Circuit and authorizing the circuit solicitor to appoint a stenographic secretary.

Also:

H. 1316. For the relief of Richard R. Andrews and to authorize and direct the City of Birmingham, Alabama, to pay on behalf of the said Richard R. Andrews, an amount not to exceed One Thousand Two Hundred Fifty Dollars ($1,250.00) for medical services, including hospital charges rendered to the said Richard R. Andrews for an operation necessitated by injuries received by Richard R. Andrews while acting within the line and scope of his employment as a police officer for the City of Birmingham.

Also:

H. 1317. To fix the compensation of election officers in all general, special, municipal and primary elections held in counties which now have, or which may hereafter have, a population in excess of 500,000 according to the last or any subsequent Federal decennial census; to provide for election workers in elections held to extend the boundary lines of any city or town within such counties and to prescribe their duties; and to provide that this act shall be supplemental to Act No. 694 of Acts of the 1957 Regular Session.

Also:

H. 1318. To provide for an appeal to the circuit court, or court of like jurisdiction, from any final judgment or decision of a zoning board of adjustment established under Act Number 528 of the 1959 Regular Session of the Legislature of Alabama (Acts of Alabama 1959, page 1302), applicable to any city which may now or hereafter have a population of three hundred thousand inhabitants or more according to the last or any subsequent federal census.

Also:

H. 1320. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Linden, in Marengo County, Alabama.

Also:

H. 1325. To establish the maximum rate which newspapers in all counties having populations of not less than 57,000 nor more than 61,000 according to the 1960 or any subsequent federal decennial census, may charge and which an individual, officer, municipality, county, the State, a governmental subdivision, or any other legal entity may pay for the publication of legal notices, advertisements, publications, statements, or other matter required by law or rules or orders of courts to be published in newspapers.

Also:

H. 1326. Relating to Morgan County; authorizing the governing body of the county to furnish fuel and necessary equipment for the preparation and storing of food for prisoners held in the Morgan County Jail by the Sheriff.

Also:

H. 1327. To provide for the feeding and care of certain county prisoners of Morgan County employed or used on the construction, repair, and maintenance of county roads and bridges, or other such road work; to provide hospital and medical care and treatment for any of such prisoners who are injured or become ill while engaged in such road work; to prescribe the powers, duties, and authority of the sheriff and the Board of Revenue and Control or like governing body of Morgan County, Alabama, in carrying out the provisions of this Act.

Also:

H. 1328. To amend Section 2 of Act No. 280, H. 739, approved October 9, 1959, entitled "An Act to authorize and provide for the establishment, maintenance, operation and financing of a public law library in Morgan County, Alabama" (Acts of Alabama 1959, vol. 1, p. 842).

Also:

H. 1329. For the relief of Mrs. Ruby McNutt as compensation for the death of her husband, Elbert McNutt, deceased, of Morgan Couny, Alabama, as the result of injury received while he was in the line of and performing his duties as road employee of Morgan County, Alabama.

Also:

H. 1330. To abolish the fine and forfeiture fund in the county treasury of Morgan County; to provide for the payment of all fines and forfeitures collected into the general fund of said county; to provide for the payment of certain claims from the general fund of said county in lieu of the fine and forfeiture fund.

Also:

H. 1331. For the relief of W. O. Dixon; authorizing the Board of Revenue and Control or like governing body of Morgan County, Alabama, to make an appropriation out of the General Fund of the county treasury to compensate W. O. Dixon for certain damages.

Also:

H. 1339. To alter and re-arrange the boundaries and corporate limits of the City of Athens, Limestone County, so as to annex certain territory.

Also:

H. 1343. Relating to the compensation of members of boards of directors of certain municipal corporations in cities having populations of not less than 6,500 nor more than 8,500 according to the most recent federal decennial census; amending further Section 402 (17) of Title 37, Code of Alabama 1940.

Also:

H. 1340. Relating to Crenshaw County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting

by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Also:

H. 1224. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes in Clay County.

Also:

H. 1267. To propose an amendment to the Constitution relative to the payment of pensions to certain former officers of Mobile County and the municipalities therein.

Also:

H. 1306. To propose a constitutional amendment relative to levying additional taxes in Chilton County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Also:

H. 1335. To propose a constitutional amendment relative to levying additional taxes in Lamar County for public school purposes.

Also:

H. 1342. Proposing an amendment to the Constitution of Alabama, relative to the levying of additional taxes for school purposes within Montgomery County.

OAKLEY MELTON, JR.,
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles has been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 484. To make further provision regarding the taxation affecting motor fuel, as defined in this Act, sold to, or withdrawn from storage or used in this State by motor carriers, as defined in this Act, including the imposition of an excise tax measured by the quantity of motor fuel used by such motor carriers in their operations in this State; the definition of the terms motor vehicle, motor carrier, operations, motor fuel, Commissioner, gasoline tax and Deisel fuel tax, as used in this Act; the fixing of the amount of such tax and provision for the collection thereof; provision for credit upon such tax for payment of the gasoline tax and the Diesel fuel tax and, in certain cases, provision for refunds of the gasoline tax and the Diesel fuel tax, if proper bond be given; provision for an audit of the records of applicants for refunds; provision for penalties for the violation of this Act; provision for the costs of administration of this Act; provision for the disposition of the proceeds of the tax imposed by this Act; provision for the making of reports by all motor carriers subject to this Act; provision for sales of motor fuel, as defined in this Act, to motor carriers duly reporting pursuant to this Act by a distributor or storer without liability for the gasoline tax or the Diesel fuel tax if such motor carrier has given bond in such amount as may be required by the Commissioner to secure the payment of the tax imposed by this Act; authorizing the Commissioner of the State Department of Revenue to promulgate rules and regulations with respect to the enforcement of the provisions of this Act; provision for the modification and repeal of laws or portions thereof to the extent of any conflict with the provisions of this Act; the fixing of the effective date of this Act; and generally, provision for the enforcement of the provisions of this Act and rules and regulations adopted pursuant thereto.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 670. To repeal Act No. 429, H. 958, approved August 17, 1951, an act relating to the levying of a beer tax in certain counties classified

on a population basis (Acts of Alabama 1950-1951, vol. I, p. 771).

Also:

H. 789. To repeal Act No. 250, S. 272, approved August 16, 1955, an act relating to prohibition of the sale of alcoholic beverages in certain places in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 592).

Also:

H. 790. Relating to counties having populations of not less than 100,000 nor more than 115,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in any such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1275. To declare the public policy of the State with respect to violation of Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, in Counties in Alabama having a population of not less than 150,000, nor more than 250,000 inhabitants according to the last or any subsequent Federal decennial census; to determine and declare that prosecution and the impositions of criminal penalties is inadequate to prevent violations and that the remedy at law to enforce the same in inadequate in such Counties; to declare that habitual violations of the statute constitutes a legal nuisance in such Counties; to provide certain exemptions; to prevent unfair competition among merchants and shopkeepers by reason of violations of said statute as amended in such Counties; to provide for means and procedure and to prescribe evidentiary presumptions for the enforcement thereof by injunction and to confer jurisdiction for enforcement upon courts having equity jurisdiction in such Counties; to render the provisions of this Act

severable; to declare the date on which the Act shall become effective.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1081. To further amend retrospectively Section 22 of Act No. 929 of the Legislature of Alabama of 1951, relating to cities having a population of four hundred and fifty thousand inhabitants according to the last or any succeeding federal census.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1067. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding $1,737,000 in principal amount for various capital improvements in said county, said bonds to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, as amended, authorizing the continued levy and collection of said tax for payment of said bonds, providing that none of the bonds which are payable out of said tax or for which said tax is pledged shall be chargeable against the limitation on indebtedness of said county contained in Section 224 of the constitution, and specifying certain details pertaining to said bonds and the sale thereof.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1069. To require, authorize and empower the governing body of all counties in this State, having a population of not less than 300,000 nor more than 500,000 by the last Federal census or by any succeeding Federal census, to levy and collect an excise, license or privilege tax on cigarettes and on every person, firm, corporation, club or association within the county, who or which sells or stores or consumes or receives

for the purpose of distribution, cigarettes, and to prescribe the rate thereof; to require, authorize and empower the governing body of such counties to prescribe the method and provide for the collection of such tax; and to provide for the disposition of the revenues derived therefrom.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 744. To propose an amendment to the Constitution of Alabama authorizing the State of Alabama to assist in the erection, construction and equipping of hospitals, health centers, and related medical facilities within the State; and to that end to authorize the Governor of Alabama to issue and sell negotiable interest-bearing bonds in the amount not to exceed $2,000,000 in addition to the bonds theretofore authorized; and to provide for the prompt and faithful payment of the principal and interest on such bonds and for the retirement thereof; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held the first Tuesday after the expiration of three months from and after the final adjournment of the regular session of the Legislature.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1065. Relating to counties having populations of not less than 40,000 nor more than 45,000 inhabitants; to direct the county governing body to adjust the compensations of certain county officers.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 28. Relating to the furnishing of operating record by Director of Public Safety and the cost thereof, and amending Section 3 of Act No. 704, General Acts of Alabama 1951, as approved September 5, 1951.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1070. To repeal Act No. 55, H. 279, approved June 10, 1949, entitled "To require, authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000 by the last Federal census or by any succeeding Federal census, to levy and collect an excise, license or privilege tax on cigarettes and on every person, firm, corporation, club or association within the county, who or which sells or stores or consumes or receives for the purpose of distribution, cigarettes, and to prescribe the rate thereof; to require, authorize and empower the governing body of such counties to prescribe the method and provide for the collection of such tax; and to provide for the disposition of the revenues derived therefrom." (Acts of Alabama 1949, page 79).

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 1229. To establish the position of official host and guide for Baldwin County at Fort Morgan; to prescribe his duties and provide for his compensation by Baldwin County; and to appoint Hatchett Chandler to such position.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 43. To provide for a scholarship program for education in the field of library science; authorizing the use of funds available to the Alabama Public Library Service under the State Plan pursuant to the federal "Library Services Act" as amended, for awarding such scholarships.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message

from His Excellency, the Governor, proposing an amendment to the bill, H. 1152, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives,

State Capitol,

Montgomery, Alabama.

Gentlemen:

I herewith transmit to you a message from the Governor, returning House Bill 1152, with suggested Executive Amendments.

Respectfully submitted,

JOSEPH G. ROBERTSON,

Executive Secretary.

August 29, 1961.

To the House of Representatives,

State Capitol,

Montgomery, Alabama.

Gentlemen:

I am returning to you, the Body in which it originated, House Bill 1152, with the following suggested Executive Amendments:

Amend Section 1 of the bill by striking out the following words:

"provided, however, that such charge shall not exceed two percent of the amount collected."

and insert in lieu thereof the following words:

"provided, however, that such charge shall not exceed ten percent of the amount collected."

This amendment is necessary in view of the fact that a two percent collection cost of the figure produced would not reimburse the State for its cost of collection and it would be unconstitutional for the State Department of Revenue to use a part of its collection for the enforcement of a local measure.

Amend said bill further by striking out the following words in Section 5:

"This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."
and insert in lieu thereof the following:

"This Act shall become effective on October 1, 1961 upon its passage and approval by the Governor or upon its otherwise becoming a law."

This amendment is necessary to grant the municipality ample time to adopt or amend the necessary municipal ordinances and to give the Department of Revenue ample time in which to prepare for the administration of the bill.

The adoption of the above suggested amendments will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,

Governor.

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1152 by a vote of Yeas 64, Nays 0, which was a majority of the whole number elected to the House.

And said bill:

H. 1152. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the Town of Camp Hill, Tallapoosa County, Alabama, and its police jurisdiction under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method of procedure for collecting such taxes and remitting the proceeds thereof.

as amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of Yeas 64, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

OAKLEY MELTON, JR.,

Clerk.

HOUSE AND GOVERNOR'S MESSAGE

The House bill, H. B. 1152, and proposed Executive amendment, the title of which said bill and proposed Executive amendment is set out in the foregoing Message from the House, was read and was referred by the President and Presiding Officer of the Senate to the Standing Committee on Rules.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1234. To provide an expense allowance to members of the court of county commissioners, board of revenue or like governing body of

all counties having a population of not less than 25,500 nor more than 25,700 according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Graham	Moses
Andrews	Eddins	Haltom	Rutledge
Archer	Farmer	Hines	Samford
Barnett	Gaither	Jones	Shelton
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark			

—24

Nays: —0

The Bill:

H. 1243. To increase the number of trustees of Cahaba Historical Commission and fix their terms; amending Section 1 of Act No. 486, H. 765, approved July 9, 1943.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

—24

Nays: —0

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the bill, S. B. 400, and pending amendments.

The question was on the substitute motion by Mr. deGraffenried to postpone further consideration of S. B. 400 and pending amendments to the 35th Legislative Day as Unfinished Business, and said substitute motion was lost.

Mr. deGraffenried then offered the following substitute motion for the motion by Mr. Barnett, to-wit:

MOTION IN WRITING

Substitute motion for motion by Mr. Barnett

"I move that S. 400 together with pending amendments be carried over until the 36th Legislative Day without losing its place on the Calendar.

deGRAFFENRIED"

BILLS ON THIRD READING RESUMED

The Bill:

H. 1346. Relating to the levy of additional taxes for certain purposes in Clay County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Rutledge	
Archer	Farmer	Hines	Samford	
Barnett	Gaither	Jones	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1475. To authorize the county governing body of any county having a population of 10,800 inhabitants or less, according to the 1960 or any subsequent federal decennial census, to provide a clerk-hire allowance for the office of clerk of the circuit court.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1476. To provide for the expenses of the county superintendent of education in any county having a population of 10,800 inhabitants or less according to the 1960 or any subsequent federal decennial census; and to provide that the provisions of this act shall be retroactive to July 1, 1961.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1390. To impose extra, new, and additional duties upon the members of the court of county commissioners, board of revenue, or other like governing body of Elmore County, and to provide additional compensation for the performance of such duties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1387. To amend Act No. 7, H. 62, Regular Session 1911, an act requiring the board of education of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 8).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1389. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1388. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1386. To amend Act No. 10, H. 61, Regular Session 1911, an

act requiring the commissioners' court of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 11).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1384. To provide for the appointment, duties, qualifications, term, compensation and assistant of the coroner in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1396. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, and 32, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Barnett	Clark	Farmer
Andrews	Berryman	Dumas	Gaither
Archer	Caffey	Eddins	Givhan

Godfrey	Kendall	Robison	Shelton	
Haltom	Leonard	Rutledge	Turner	
Hines	Moses	Samford	Webb	
Jones				—24

Nays: —0

The Bill:

H. 1385. Relating to Elmore County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1366. To alter, rearrange, and add to the limits of the City of Saraland, Alabama, and to alter and rearrange the limits of the City of

Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama and adding same to the limits of the City of Saraland, Alabama and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Saraland, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Caffey	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1363. To amend Section 2 of an act of the Legislature of Alabama being Local Act No. 102, approved June 3, 1943, page 59 of the Local Acts of 1943, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1268. To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax

assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraiser appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property; to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Caffey	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1447. For the relief of A. F. Harvey and Alice G. Harvey, a copartnership, doing business as Mobile Bonding Company, of Mobile, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1364. Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1365. Relating to the City of Mobile, Alabama; to provide for the creation of the Mobile Tree Commission, to provide for the membership of such Commission, and the method of appointment and term of such commissioners; to provide the officers of the Commission; to provide the powers, duties and obligations of the Commission; to provide that no person shall cut, trim, or in any way damage any tree in any street right-of-way in the City of Mobile without prior written approval by the Commission; to provide that any violation of this Act shall be a misdemeanor and to provide the penalty for such violation and to provide for appeal from the decisions of the Commission.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Caffey	Godfrey	Moses	Wilson
Clark	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1393. To further amend Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan", as last amended by Act No. 154, approved September 21, 1959.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1379. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court", in relation to special judges who serve in the absence of the judge of the court.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Haltom	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1163. To Amend Sections 4, 6, 8, 9, 23, 28, 29 and 33 of an Act entitled An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for trial tax and other fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said court; to provide for an official court reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale

County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County, and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931, as amended by Act approved July 7, 1947, and as further amended by Act approved May 30, 1951.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1245. To authorize, direct and require the Commissioner of Revenue to collect any sales and use taxes now or hereafter levied by the City of Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city: and to prescribe the powers, duties and authority of the Commissioner of Revenue, the State Department of Revenue and the State Comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Porter	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark				—24

Nays: —0

The Bill:

H. 1352. To provide expense allowances for county superintendents of education of all counties having populations of not less than 31,000 nor more than 32,000.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1359. For the relief of John T. Lancaster, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said John T. Lancaster for certain damages.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1360. To propose a constitutional amendment relative to levying additional taxes in Jackson County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Word
Clark			—24

Nays: —0

The Bill:

H. 1362. To prohibit the taking of fish from the public waters of counties having populations of not less than 36,600 nor more than 37,600, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1374. To authorize the board of trustees of the district tuberculosis sanatorium of District Number One to bargain, sell and convey certain real propery.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Berryman	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1376. To prohibit the exercise of corporate or governmental functions in Morgan County by municipal corporations whose corporate limits do not lie within or extend into and embrace territory lying within the county.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1377. To define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for the violation of the provisions hereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				24

Nays: —0

The Bill:

H. 1378. Relating to counties of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census; providing for payment of an expense allowance to the probate judges of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1380. To create the office of commissioner of licenses in counties in Alabama having a population of not less than ninety five thousand (95,000) people and not more than one hundred fifteen thousand (115,000) people, according to the last and any subsequent decennial Federal census; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1381. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Moses
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark			—24

Nays: —0

The Bill:

H. 1382. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1391. To alter, rearrange and extend the boundary line and corporate limits of the municipality of the Town of Reform in Pickens County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1392. To amend Act No. 132, H. 112, approved September 21, 1959, an act regulating further the taking of catfish in Pickens County by the use of baskets, providing for the payment of a privilege license tax for such use of baskets (Acts of Alabama 1959, vol. I, p. 654), so as to allow the use of revenues derived from the sale of such licenses for improving public parks in the county in addition to present uses.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Graham	Porter	Wilson
Cooper	Green	Roberts	Word
Crawford	Golson	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1432. To authorize, direct, and require the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 19,500 nor more than 20,000 according to the most recent federal decennial census, to cover the employees of the county under the Workmen's Compensation Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: —0

The Bill:

H. 1435. Relating to the levy of additional taxes for educational purposes in Covington County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes when levied by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Clark	deGraffenried	Godfrey
Berryman	Cooper	Gaither	Golson
Caffey	Crawford	Givhan	Graham

Green	Moses	Robison	Wilson	
Jones	Porter	Turner	Word	
Kendall	Roberts	Webb	Wyatt	
Leonard				—24

Nays: —0

The Bill:

H. 1463. Providng further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650, inhabitants, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Kendall	Webb	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1469. To propose a constitutional amendment relative to levying additional taxes in Franklin County for public school purposes.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1354. To provide additional revenue for educational purposes and for general county revenue purposes in Winston County; authorizing the court of county commissioners, board of revenue, or like county gov-

erning body, to levy, when approved at a referendum election, special county privilege license and excise taxes similar to state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; specifying sales and transactions that are exempt from the tax; specifying property, the use, storage or other consumption of which is exempt from the excise tax; providing for collection and enforcement of such taxes by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Rutledge	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1429. To provide further for selection of textbooks for use in certain schools in all counties having populations of not less than 65,000 nor more than 95,000, repealing conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Golson	Leonard	Shelton	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1422. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 110,000 nor more than 150,000, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1473. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Archer	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1474. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1409. To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Court Study"; to state the powers, authority and duties of such commission; and to provide for the financing of the work of the commission.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1403. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, or of the United States of America, including U. S. Veteran Hospital, located in Alabama Counties of more than 600,000 population, including records of admission, medical, clinical, hospital, occupations, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photograph, charts, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as all employees of such hospital, forming a part of such hospital record, as to the health, physical and mental condition, state, injury, disabilities, sickness, disease, mental and physical and nervous condition and disorder, duration and character of such ailments and disabilities and the diagnosis, prognosis, progress, operations, incisions, contusions, concussions, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment, and care and the charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, and when the custodian of such hospital records certifies and affirms in writing that the hospital was operated or organized under or pursuant to the laws of Alabama or of the United States of America, including U. S. Veterans Hospitals, located in Alabama Counties of more than 600,000 population, and that the same are a true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but that this shall not affect their admissibility;

and to provide for the costs and taxing and collection thereof for said copies and certificates and affirmance in writing thereto and the filing of said copies with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1410. To provide that in any county of the State of Alabama having a population of 600,000 or more according to the last or any succeeding Federal Census, it shall be unlawful for any person licensed to sell malt beverages but not licensed to sell liquors to have in his possession or under his control at his place of business covered by the beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the State; to provide that it shall be unlawful for the agent, servant or employee of any such beer licensee to have in his possession or under his control at the place of business covered by said beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the State; to provide that any beverages or liquors found at any such place of business of a beer licensee in violation of the foregoing provisions shall be contraband and shall be subject to condemnation in the manner provided for in this Act, and to provide a penalty for violating this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1412. To further define the jurisdiction of all statutory in-

ferior courts, other than those created in lieu of justices of the peace, in all counties having populations of 500,000 or more, according to the last or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1413. To require the probate judge of any county having a population of 500,000 or more inhabitants, according to the 1960 or any subsequent federal decennial census, to furnish the board of registrars of such county photostatic copies of declarations acknowledging paternity.

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1414. To amend Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, Page 404, et seq).

Was read a third time at length and passed:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Archer	Cooper	deGraffenried
Andrews	Barnett	Crawford	Dumas

Eddins	Haltom	Roberts	Shelton	
Farmer	Hines	Robison	Wilson	
Golson	Jones	Rutledge	Word	
Graham	Porter	Samford	Wyatt	
Green				—24

Nays: —0

The Bill:

H. 1415. To provide that members of the Board of Trustees or Board of Managers of any pension system established for the employees, or any class of employees, of any county of the State having a population of 400,000 or more according to the last or any subsequent Federal Census shall be protected from personal liability to the State, County or any individual for their official acts where such acts are in reliance upon the written opinion of the County Attorney for such County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1462. To provide for the compensation to be paid certain officers by counties having a population of 600,000 or more according to the last or any succeeding decennial Federal Census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1466. To establish, subject to the conditions stated in this Title and in the Act, in each city of the State having a population of 300,000 or more, according to the last or any succeeding Federal Census, a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq. as amended) and on whose account or for whose benefit the city by which they are employed makes no contribution or pays no tax to the United States of America under the Federal Social Security Act; to provide that the Act shall not be operative in any such city so long as there is operated, or maintained, in the city the pension system provided for by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, and to provide, further, that if and when any such pension system provided for by said Act No. 556 for any reason is not operated and maintained in the city this Act shall become operative in the city; to provide for the creation and maintenance of a fund for the administration of the pension system hereby created; to provide for paying into the fund certain amounts to be deducted from the salaries of the members of the said pension system and to provide also for paying into the said fund contributions by the city matching the deductions from the salaries of the members of the said system; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die: to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this Act; to provide that from the fund of the system established by this Act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the System created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said Board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at times specified in the Act the Board of Managers of the pension system established by the Act shall present to each member of the House of Representatives and to the member of the Senate of the Legislature of Alabama residing in any county or senatorial district wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what changes he considers necessary.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Andrews	Archer	Barnett

Berryman	Gaither	Jones	Samford
Caffey	Givhan	Kendall	Shelton
Clark	Godfrey	Leonard	Turner
Dumas	Haltom	Moses	Webb
Eddins	Hines	Rutledge	Wilson
Farmer			—24

Nays: —0

The Bill:

H. 1464. To amend the Title and also the body of Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, pages 366, et seq.)

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1027. To amend further Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in all counties having populations of not less than 63,750 nor more than 72,750, and in all counties having populations of not less than 39,550 nor more than 40,350 inhabitants, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1049. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Muscle Shoals.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1168. To provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and City Clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Golson	Moses	Shelton	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1397. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 15 and 22, Township 16 North, Range 18 East, Montgomery County, Alabama.

was taken up.

Mr. Robison offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 1397

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain aditional territory located in Sections 29, 30, 31, 32 and 33, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That the BOUNDARIES OF THE City of Montgomery, in Montgomery County, Alabama, be, and the same are hereby altered, rearranged and extended so as to include within the Corporate Limits of the said City certain additional territory lying within the following described boundaries, to-wit:

Beginning on the north right of way line of the Seaboard Air Line Railway at a point 83.5 feet more or less east of the west line of Section 33, T17N, R18E, Montgomery County, Ala., said point being on the east right of way line of the Fairgrounds Road and on the existing city limits line of the City of Montgomery, Ala., thence north and parallel to the west line of said section 33 to a point on the north line of said section 33, thence west along the north line of said Section 33 a distance of 83.5 feet, more or less, to the northwest corner of said Section 33; the said point also being a common corner for the SE corner of Section 29, T17N, R18E; thence north along the east line of said Section 29 to the south right of way line of the Western Railway of Alabama, thence in a westerly direction along the south right of way line of said Railroad a distance of 1870 feet, more or less, to a point on the northerly projection of the east line of the Map of Vandiver Place, as the same is filed for record in the office of the Judge of Probate, Montgomery Co., Ala. in Plat Book 8, Page 38, thence in a southerly direction along said northerly projection of the east line of said Map of Vandiver Place a distance of 1348 feet, more or less, to the northeast corner of Lot 32 in Block 6, of said Map of Vandiver Place; thence west along the north line and projection thereof of Blocks 6 and 5, according to the said Map of Vandiver Place a distance of 1485.3 ft., more or less, to a point on the westerly right of way line of Lower Wetumpka Road; thence northerly along the westerly right of way line of said Lower Wetumpka Road a distance of 1048 feet, more or less, to a point on the south right of way line of the Western Railway of Alabama, thence in a southwesterly direction along the south right of way line of said railroad and southwesterly along a line being an extension of the said south right of way, said line being a distance of 50 feet from the center line of the main line track at all points, measured perpendicular to said center line, to a point on the south line of the north one-half of Section 31, T17N, R18E, Montgomery Co., Alabama, the said point being on the now existing City Limits line of said City of Montgomery, Alabama; thence along the existing City Limits Line, said line running east along the south line of the north one-half of Sections 31 and 32, T17N, R18E, Montgomery County, Alabama to a point on the north right of way line of the Seaboard Air Line Railway, thence east along the north right of way line of the Seaboard Air Line Railway to the point of beginning.

Section 2. That this act shall become effective upon its passage

and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark				—24

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark				—24

Nays: —0

The Bill:

H. 1456. To propose and provide for the submission of an amendment to the constitution of Alabama providing for the levy and collection by Mobile County of a special tax, not exceeding three mils on each dollar of taxable property in the county, for public hospital purposes; providing for elections on the levy of the tax and, after a specified period on the discontinuance of the tax or reduction of its rate; providing for disposition of the proceeds from the tax; authorizing Mobile County Public Hospital Board, a public corporation, to anticipate the proceeds from the special tax by issuance of its securities and to make pledges with respect thereto; providing that any securities issued by the said corporation shall not constitute debts of Mobile County within the meaning of Section 224 of the Constitution or bonds of said county or of a political subdivision thereof, within the meaning of Section 222 of the constitution; providing for reduction of the rates of taxation permitted by the constitution to Mobile County and the municipalities therein when the special tax is being levied and collected; and prohibiting under certain conditions appropriations to said corporation by Mobile County and the municipalities therein.

was taken up.

The Standng Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 1456

Amend House Bill 1456 in the following particulars:

(1) Amend the title of House Bill 1456 by substituting the word "mills" for the word "mils" in the fourth line thereof.

(2) Amend House Bill 1456 by substituting for the last sentence of paragraph A of Section 1 of House Bill 1456 the following:

" 'Public hospital purposes' means the acquisition by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients."

(3) Amend paragraph B of Section 1 of House Bill 1456 by substituting the word "dollar" for the word "collar" in line 8 thereof.

(4) Amend paragraph D of Section 1 of House Bill 1456 by deleting from the first sentence thereof the phrase "the amount of the anticipated needs of the board for public hospital purposes in the county for the ensuing fiscal year of the board and will certify" and by substituting the word "ensuing" for the word "insuring" therein.

(5) Amend House Bill 1456 by amending paragraph G of Section 1 of House Bill 1456 to read as follows:

"G. The rate of that certain ad valorem tax authorized by Amendment XVIII to the constitution, as amended by the amendment to the constitution known as Amendment XLII, and provided for also in those certain amendments to the constitution known as Amendments LX, C, CXXII, and CLI and in the constitutional amendment proposed by that certain act of the 1961 Regular Session of the Legislature of Alabama that was introduced in the said Legislature as House Bill 1067 shall be reduced, for each tax year for which the special tax shall have been levied at a rate exceeding one mill on each dollar of taxable property in the county, any such reduction to be by one-half mill on each dollar of taxable property in the county or by a rate of millage equal to the rate by which the special tax levied for that tax year exceeds one mill on each dollar of such taxable property, whichever shall be the lesser reduction."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Caffey	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Caffey	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			

—24

Nays: —0

The Bill:

H. 160. To repeal Act No. 343, H. 540, approved June 30, 1943, an act relating to the issuance of building permits and applying in certain counties classified on a population basis (Gen. Acts 1943, p. 324).

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

Amend House Bill No. 160.

Amend by striking therefrom in its entirety Section 2 and inserting in lieu thereof the following:

"Section 2. This Act shall become effective upon its passage and approval by the Governor, or its otherwise becoming a law."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: 0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1451. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing and directing Mobile County Public Hospital Board, a public corporation, to prepare a budget for each fiscal year setting forth certain anticipated expenditures and receipts of the said public corporation and to apportion any deficit in said budget among Mobile County and each municipality therein having a population of more than 1,000 according to the last federal census or any subsequent official census; providing that any assessments so made shall constitute debts of said county and said municipalities collectible by the said public corporation by suit or action but shall not constitute debts of the said county and municipalities within the meaning of Sections 224 and 225 of the said constitution; providing that if a special ad valorem county tax for public hospital purposes shall be voted in Mobile County, the power of the said public corporation to make and collect such assessments shall terminate within a specified period thereafter; authorizing the legislature by local or special legislation and without compliance with Section 106 of the constitution to specify the character and maximum capacity of the hospital facilities with respect to which any budget may be prepared by the said public corporation under said amendment; validating all actions of Mobile County Hospital Board created and provided for by Act No. 105 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended; providing for and validating the transfer by the latter board of all of its assets, contracts, properties, obligations and liabilities to the said public corporation and the assumption of all thereof by the said public corporation; providing for the dissolution of the said board created and provided for in the said Act No. 105, as amended; and providing that bonds and other securities issued by the said public corporation shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 or debts of any of said municipalities within the meaning of Section 225 of the constitution and shall not constitute bonds of said county or a subdivision thereof within the meaning of Section 222 of the constitution.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 1451

Amend House Bill 1451 in the following particulars:

(1) Amend the title of House Bill 1451 by adding thereto, immediately after the fourth semicolon in the said title, the following:

"providing that the requirements of the said amendment and of any such local or special legislation respecting the facilities covered thereby shall terminate upon termination of the power of the said public corporation to make and collect said assessments;"

(2) Amend the fifth sentence of paragraph A of Section 1 of House Bill 1451 to read as follows:

" 'Public hospital purposes' means the acquisition, by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients;"

(3) Amend clause (a) in the first sentence of paragraph B of Section 1 of House Bill 1451 to read as follows:

"(a) the estimated amount of all expenditures that the board anticipates making during such fiscal year for payment of administering, operating and maintaining any public hospital facilities owned or managed by the board, including expenses for treatment and care of indigent patients, payment of rentals with respect to any such public hospital facilities, payment of costs of the acquisition and equipment of public hospital facilities, and payment of installments of principal and interest, or either, maturing during that fiscal year on obligations incurred or securities issued by the board for any of the aforesaid purposes;"

(4) Amend paragraph B of Section 1 of House Bill 1451, by adding at the end and as a part of said paragraph B, as follows:

"The requirements of this amendment, and of any such legislation at any time adopted, as to the character and capacity or size of the public hospital facilities with respect to which items of expenditures may be included in any budget prepared by the board hereunder shall cease to be effective upon the termination, under the provisions hereof, of the power of the board to make allocation of the aforesaid deficit among the local subdivisions."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1453. To amend Sections 3, 4 and 6 of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama so as to permit the governing body of any county having a population of 225,000 according to the last or any subsequent federal census to require, in the resolution consenting to the organization under said act of a public corporation for hospital purposes, (a) that the board of directors of such public corporation shall consist in part of directors elected by the governing body of the county and in part of directors elected by municipalities in the county that fall within population classifications specified in the said resolution, (b) that the number of the said directors and their terms of office shall be as specified in said resolution, (c) that the said public corporation shall accept the transfer to it and assume the assets, properties, obligations and liabilities of any incorporated or unincorporated public board or body, designated by the said governing body in said resolution, that may have been theretofore organized or attempted to be organized in the county for public hospital purposes; and (d) that upon the happening of any contingency specified in said resolution, the directors of the said public corporation shall thereafter be elected, in specified number and for specified terms, by the governing body of the county from persons nominated in the manner provided in said resolution; so as to provide that the certificate of incorporation of any public corporation organized pursuant to authorization in any resolution containing any of said requirements shall comply with the said resolution and that any such public corporation when organized shall comply with the provisions of the said resolution respecting the transfer and assumption of assets, properties, contracts, obligations and liabilities; and so as to permit the governing body of any such county to provide in the said resolution that any director of a public corporation organized pursuant to said resolution may be a member of the governing body that elects him as director.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 1453

Amend House Bill 1453 in the following particulars:

(1) Amend the title of House Bill 1453 to read as follows:

"To amend Sections 3, 4 and 6 of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama so as to permit the governing body of any county having a population of more than 300,000 and less than 500,000 according to the last or any subsequent federal census to require, in the resolution consenting to the organization under said

act of a public corporation for hospital purposes, (a) that the board of directors of such public corporation shall consist in part of directors elected by the governing body of the county and in part of directors elected by municipalities in the county that fall within population classifications specified in the said resolution, (b) that the number of the said directors and their terms of office shall be as specified in said resolution, (c) that the said public corporation shall accept the transfer to it and assume the assets, properties, obligations and liabilities of any incorporated or unincorporated public board or body, designated by the said governing body in said resolution, that may have been theretofore organized or attempted to be organized in the county for public hospital purposes; and (d) that upon the happening of any contingency specified in said resolution, the directors of the said public corporation shall thereafter be elected, in specified number and for specified terms, by the governing body of the county from persons nominated in the manner provided in said resolution; so as to provide that the certificate of incorporation of any public corporation organized pursuant to authorization in any resolution containing any of said requirements shall comply with the said resolution and that any such public corporation when organized shall comply with the provisions of the said resolution respecting the transfer and assumption of assets, properties, contracts, obligations and liabilities; and so as to permit the governing body of any such county to provide in the said resolution that any director of a public corporation organized pursuant to said resolution may be a member of the governing body that elects him as director."

(2) Amend Section 1 of House Bill 1453 by substituting the phrase "more than 300,000 and less than 500,000" for the phrase "not less than 225,000" in Section 3 as quoted and amended in said Section.

(3) Amend Section 2 of House Bill 1453 by substituting the phrase "more than 300,000 and less than 500,000" for the phrase "not less than 225,000" in Section 4 as quoted and amended in said Section.

(4) Amend Section 3 of House Bill 1453 by substituting the phrase "more than 300,000 and less than 500,000" for the phrase "not less than 225,000" in Section 6 as quoted and amended in said Section.

(5) Amend Section 3 of House Bill 1453 by adding to Section 6 as quoted and amended in said Section the following:

"until such time as a special annual ad valorem county tax for public hospital purposes shall be voted in any such county."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Caffey	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			

—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Caffey	Golson	Porter	Word
Cooper	Graham	Roberts	Wyatt
Crawford			

—24

Nays: —0

The Bill:

H. 1454. To authorize any county having a population of more than 225,000 according to the last or any subsequent federal census and any municipality located wholly or partly within any such county to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between any such county or municipality and any such public hospital corporation whereunder such corporation will agree to make available hospital space to inhabitants of the municipality or county, and whereunder the municipality or county will agree to make monthly or annual payments to such corporation of either specified sums or a portion of any deficit in the corporation's annual budget; to provide that any amounts payable by any such county or municipality under any such agreement may be made payable solely from current revenues received during the fiscal year in which such amounts are payable; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 1454

Amend House Bill 1454 in the following particulars:

(1) Amend the title of House Bill 1454 to read as follows:

"To authorize any county having a population of more than 300,000 and less than 500,000 according to the last or any subsequent federal census and any municipality located wholly or partly within any such county to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized

under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between any such county or municipality and any such public hospital corporation whereunder such corporation will agree to make available hospital space to inhabitants of the municipality or county, and whereunder the municipality or county will agree to make monthly or annual payments to such corporation of either specified sums or a portion of any deficit in the corporation's annual budget; to provide that any amounts payable by any such county or municipality under any such agreement may be made payable solely from current revenues received during the fiscal year in which such amounts are payable; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes."

(2) Amend Section 1 of House Bill 1454 to read as follows:

"Section 1. Definitions. The following words when used therein shall have the following respective meanings: "Local subdivision" means any county that has a population of more than 300,000 and less than 500,000 according to the last or any subsequent federal census and any municipal corporation located wholly or partly within any such county. "Hospital corporation" means any of the following: (1) a hospital association heretofore or hereafter organized under the provisions of Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; (a) a hospital board heretofore or hereafter organized under the provisions of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama, as originally adopted or as at any time heretofore or hereafter amended; and (3) a corporation heretofore or hereafter organized or created pursuant to the provisions of Act No. 63 adopted at the 1957 Regular Session of the Legislature of Alabama, as originally adopted or as at any time hereafter amended."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wyatt
Clark			

—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wyatt	
Clark				—24

Nays: —0

The Bill:

H. 1457. To specify the character and size of the public hospital facilities with respect to which items of expenditure may be included in annual budgets prepared pursuant to the provisions of the Constitutional Amendment proposed by that certain Act adopted at the 1961 Regular Session of the Legislature that was introduced in the said legislature as S.B.____.

was taken up.

The Standing Committee on Local Legislation reported the following substitute for the Bill, to-wit:

Substitute for House Bill 1457.

A BILL

TO BE ENTITLED

AN ACT

To specify the character and size of the public hospital facilities with respect to which items of expenditure may be included in annual budgets prepared pursuant to the provisions of the Constitutional Amendment proposed by that certain Act adopted at the 1961 Regular Session of the Legislature that was introduced in the said Legislature as H. B. 1451.

Be It Enacted by the Legislature of Alabama:

Section 1. The term, "Public hospital facilities", wherever used in this act, means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, out-patient departments, nurses' homes, and nurses' training facilities, and other facilities operated in connection with public hospitals. The term, "Mobile County Public Hospital Board amendment", wherever used in this Act, means the Constitutional Amendment proposed by that certain act adopted at the 1961 Regular Session of the Legislature that was introduced in said legislature as House Bill 1451.

Section 2. Until such time as this Act shall cease to be effective under the provisions of the Mobile County Public Hospital Board amendment, or shall be superseded by other legislation or repealed, the public hospital facilities with respect to which any item of expenditure may be included in any annual budget prepared pursuant to the provisions of the Mobile County Public Hospital Board amendment shall consist only

of a public hospital having a capacity of not exceeding three hundred sixty (360) beds and of the appurtenant public hospital facilities necessary and appropriate in connection with the said hospital.

Section 3. This Act shall become effective upon ratification of the Mobile County Public Hospital Board Amendment.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Caffey	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Shelton	
Caffey	Golson	Porter	Word	
Cooper	Graham	Roberts	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 893. To regulate the compensation and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent federal decennial census.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

Amendment to H. B. 893

Substitute the following for Section 1 of the bill:

Section 1. Each of the members of the jury commission and the

clerk of the commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent federal decennial census, shall be entitled to compensation and mileage as prescribed by general laws, but the court of county commissioners, board of revenue, or other like governing body of the county may, in its discretion, increase the pay to an amount not exceeding $15 a day and the mileage allowance to 10 cents a mile for each mile traveled.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 895. To regulate the compensation and allowances of jurors and bailiffs in counties having populations of not less than 34,000 nor more than 35,500.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the Bill, to-wit:

Amendment to H. B. 895

Substitute the following for Section 2 of the bill:

Section 2. Regular jurors, grand and petit, and bailiffs actually

serving in court shall be entitled to compensation and allowances as prescribed by general, special or local laws, but the court of county commissioners, board of revenue, or other like governing body of the county may, in its discretion, increase their per diem to an amount not to exceed 10 dollars for each day's service and the mileage to 10 cents a mile.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1461. To further amend Act 661 House Bill 978 approved September 4, 1951 which was amended by Act No. 17 of the Legislature during the second extra session in 1956 as reported in Acts of the said session at Page 276 and approved March 16, 1956 which act and amendment thereto defines and regulates the issuance of license of barbers, barbershops, barber colleges and other like business and establishes a barber commission in all counties in the State having a population of 400,000 or more according to the last and any subsequent federal census and establishing an inspector, grant powers to the barber commission to make rules and regulations.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

Amendment to H. B. 1461

In Section 3, on page 6, strike out the last three sentences and insert in lieu thereof the following:

All records kept in the office of the commission under authority of this Act shall be open to public inspection at all reasonable times. All fees and charges collected by the commission under the provisions of this Act shall be paid into the treasury of such county and shall constitute a separate fund to be disbursed by the county treasurer on order of the barber commission and with the approval of the chairman of such commission. All expenses incurred by the barber commission, including the compensation of members and their employees and compensation and expense of inspectors, shall be paid by the county treasurer out of such separate funds upon checks signed by the chairman of said barber commission and countersigned by one other member of the barber commission, provided that the total expense for every purpose incurred shall not exceed the total fees and charges collected and paid into the county treasury by said barber commission and all monies in excess of One Thousand Dollars ($1,000.00) remaining in said separate fund at the end of the fiscal year not expended as herein provided shall become a part of the general fund of the county.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On motion of Mr. Moses, further consideration of the Bill, H. B. 964,

was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 655. To abolish the Law and Equity Court of Lauderdale County; providing for the transfer of cases now pending in said Law and Equity Court to the Court hereby created and to the Lauderdale County Circuit Court, abolishing the criminal jurisdiction of justice of the peace courts in Lauderdale County, Alabama, and providing for the transfer of criminal cases pending in said courts to the court created by this Act; to create and establish in Lauderdale County a court to be known as the "Lauderdale County Court"; defining its criminal and civil jurisdiction; providing it with officers, defining their powers, duties, compensation, term of office and the manner of their selection; regulating its procedures and process; prescribing costs and fees therein; to direct the county governing body to furnish quarters, books, forms, stationery, equipment and supplies requisite to the efficient function of the court.

was taken up.

Mr. Haltom offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 655

Amend the title of the bill and Sections 5, 9, 10, 11, 12, 18, 20 and 21 by striking the phrase "Lauderdale County Court" wherever the same appears and by substituting therefor the phrase "Lauderdale County Inferior Court".

Further amend the bill by striking therefrom Section 25 thereof and by substituting therefor the following.

"Section 25. This Act shall become effective only in event Senate Bill No. 4, a bill to be entitled an Act,

"To authorize and create an additional judge of the Eleventh Judicial Circuit, to be designated circuit judge number two and to provide for his appointment and election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other circuit judges of the State of Alabama, and to provide for and fix the salary of such judge", introduced in the Regular Session of 1961, is enacted at the current session of the Legislature. If such bill is enacted and becomes law this Act shall become effective on October 1, 1961. If said bill is not enacted and does not become law this Act shall have no force or effect."

Further amend the bill by striking from Section 10 of the bill the phrase, "but in no event shall such salary be less than Forty Eight Hundred ($4,800) Dollars per annum", and by substituting therefor the phrase:

"but in on event shall such salary be more than Forty Eight Hundred ($4,800) Dollars per annum nor less than Forty Two Hundred ($4,200) Dollars per annum,"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Golson	Moses	Shelton	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 899. Relating to counties having a population of not less than 16,150 nor more than 17,250 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Jones	Robison	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Roberts	Wyatt	
deGraffenried				—24

Nays: —0

REPORTS OF COMMITTEES

Mr. Dumas, Chairman of the Standing Committee on Judiciary, re-

ported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Torbert:

H. 138. To authorize the formation of unincorporated associations for the purpose of rendering professional service; to prescribe the manner of organization of such association; to require recording of articles of association in the office of the probate judge; to restrict the professional services to be rendered by the association to the specific kind of profession for which the association is formed; to limit membership in or shareholders of the association to persons qualified and licensed to practice such profession; to require that professional services furnished by the association be rendered only through agents duly licensed to practice such profession; to authorize associations to employ non-professional personnel for non-professional duties; to provide that present provisions of laws shall govern with respect to professional liability of members furnishing professional service; to preserve confidential relationships and to limit liability of members or shareholders; to provide for centralized management by a board of governors who may or may not be members or shareholders and for election of officers; to provide that a professional association shall be a separate entity independent of its members or shareholders and may contract, hold title to real and personal property, invest its funds in real estate, mortgages, stocks and bonds, sue and be sued as an independent entity; to provide for valuation of shares, and transfer of membership or shares; to provide that professional associations may issue stock or certificates as evidence of ownership of assets in a stock-type organization, or that the association may be a non-stock organization; to provide for filing of annual reports with the Secretary of State; to authorize the Attorney General to dissolve an association violating certain provisions of this act; to provide that Article 8, Chapter 4, Title 7, Code of Alabama 1940, and laws relating to corporations generally, not in conflict herewith, shall govern professional associations; and to repeal conflicting laws.

FURTHER CONSIDERATION OF S. B. 400

The Senate proceeded to further consideration of the Bill, S. B. 400 and pending amendments.

The question was on the substitute motion of Mr. deGraffenried that further consideration of the Bill and pending amendments be postponed until the 36th Legislative Day without losing its place on the calendar.

RESOLUTION

Mr. Jones offered the following Senate Joint Resolution, to-wit:

S. J. R. 45. WHEREAS, death has come unexpectedly to Mr. Ralph Macon; and

WHEREAS, Mr. Macon loyally, capably and indefatigably served the Senate for almost thirty years as Assistant Secretary and Reading Clerk; and

WHEREAS, in his passing the Senate has lost a dear friend and faithful employee; and

WHEREAS, his friends, associates and particularly the members of this body whom he served so untiringly will sorely miss Ralph Macon; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the members of the Legislature do hereby express their deep regret at the untimely death of Ralph Macon and extend their sincere sympathy to his wife and two daughters.

BE IT FURTHER RESOLVED that a page in the Journal of the Senate be dedicated, in grateful appreciation of services to the State, to the memory of Ralph Macon; and that a copy of this resolution be transmitted to Mrs. Macon.

On motion of Mr. Jones, the Rules were suspended, and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1040. To amend Act No. 83, H. 427, Regular Session 1957, an act relating to the compensation of the coroner of Tallapoosa County (Acts of Ala. 1957, vol. I, p. 124).

was taken up.

Mr. Jones offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 1040

A BILL
TO BE ENTITLED
AN ACT

To amend Act No. 83, H. 427, Regular Session 1957, an act relating to the compensation of the coroner of Tallapoosa County (Acts of Ala. 1957, vol. I, p. 124).

Be It Enacted by the Legislature of Alabama:

Section 1. Section 2 of Act No. 83, H. 427, Regular Session 1957, an act relating to the compensation of the coroner of Tallapoosa County (Acts of Ala. 1957, vol. I, p. 124) is hereby amended to read as follows:

"Section 2. The compensation herein provided for the coroner of Tallapoosa County shall be in lieu of all fees, commissions, and percentages prescribed by law for the performance of the duties of his office. In addition to the compensation of the coroner as provided in Section 1, he shall be allowed the sum of $25 a month payable from the county treasury for office and travel expenses. Any fees, commissions, percentages, or allowances not payable by the county which would be collectible for the use of the coroner but for the provisions of this Act shall be paid into the general fund of the county."

Section 2. This Act shall become effective on the first day of the month next following the date of its enactment.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: 0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill, and returns same herewith to the Senate:

S. 7. To apply in all counties having a population of not less than 42,000 nor more than 46,000 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rutledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 7, the title of which is set out in the foregoing Message from the House:

AMENDMENT TO SENATE BILL NO. 7

Amend S. B. No. 7 by striking therefrom Section 3 in its entirety.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Rutledge
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark	Golson	Porter	Wilson
Cooper	Graham	Roberts	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill, and returns same herewith to the Senate:

S. 5. To repeal Act No. 165, H. 30, approved June 29, 1951, entitled, "An Act to provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 47,000 nor more than 51,000 according to the most recent federal census, making the Act retroactive" (Acts of Alabama 1951, vol. 1, p. 403).

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rutledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 5, the title of which is set out in the foregoing Message from the House:

AMENDMENT TO SENATE BILL NO. 5

Amend S. B. No. 5 by striking therefrom Section 2 in its entirety.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Porter	Wilson	
Cooper	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill, and returns same herewith to the Senate:

S. 6. To provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 42,000 nor more than 46,000 according to the most recent federal census, making the Act retroactive.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Rutledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 6, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO SENATE BILL NO. 6

Amend S. B. No. 6 by striking therefrom Section 3 in its entirety.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

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Nays: —0

REPORT FROM RULES

Mr. Archer, Chairman of the Standing Committee on Rules, offered the following Majority Report from the Standing Committee on Rules, to-wit:

The Committee on Rules returns to the Senate the House message containing H. B. 244 and recommends that the bill be reconsidered and repassed, the Governor's veto to the contrary notwithstanding.

/s/ DAVE ARCHER,
Chairman.

Mr. Archer, Chairman of the Standing Committee on Rules, offered the following Minority Report from the Standing Committee on Rules, to-wit:

MINORITY REPORT OF RULES COMMITTEE

S. R. 46. The Rules Committee recommends that the special, paramount and continuing order of business shall be:

H. 17 by Mr. Smith p. 6 of supplemental calendar (education appropriation bill).

H. 20 by Mr. Vickers p. 6 of supplemental calendar (appropriation for Southern Industrial Institute).

H. 21 by Mr. Smith p. 6 of supplemental calendar (appropriation for Alabama Vocational School for Girls).

H. 22 by Mr. Smith p. 6 of supplemental calendar (Tuskegee Institute Central).

H. 718 by Mr. Pruitt p. 6 of supplemental calendar (Marion Institute appropriation).

H. 19 by Mr. Bevill p. 6 of supplemental calendar (appropriation for Walker County Junior College).

H. 1113 by Mr. Oden p. 6 of supplemental calendar (appropriation for a junior college in Franklin).

The Rules Committee further recommends that the Executive Message of the Governor, transmitted to the Senate by a House Message, and the accompanying Executive Amendment be reported by the Committee on Rules for consideration by the Senate, without recommendation as

to the action the Senate should take thereon, and that such action be the special, paramount and continuing order of business following the consideration and disposition of the above designated House Bills.

Respectfully submitted,
/s/ DAVE ARCHER
/s/ LAWRENCE DUMAS
/s/ D. DONALD WORD

POINT OF ORDER

Mr. Turner raised the Point of Order under Rule 51 and Rule 31, that the Minority report is out of order and is not germane to the Rules Committee Report.

The Chair ruled that the Minority report was in order.

POINT OF ORDER

Mr. Turner raised the Point of Order that the Minority Report is not in order because The Rules Committee (Majority Report) reported a House Message and House Messages take precedence. Minority Report sets up Special Order, which does not take precedence and has the same status as Committee Reports.

POINT OF ORDER

Mr. Dumas raised the Point of Order that The Chair referred Executive Message, not House Message, to Committee on Rules.

The Chair ruled that the House Message together with Executive Message was referred to the Standing Committee on Rules.

Mr. Turner raised the Point of Order that the Majority Report does not require action, that it automatically becomes the business before the Senate — further that the Minority report does require action; therefore, Minority and Majority Report are not germane.

RECESS

At 1:39 P.M., on motion of Mr. Turner, the Senate took a recess until 1:44 P.M. today.

The Recess period having expired, the Senate was called to order by Lieutenant Governor Boutwell, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Roberts	Wyatt

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RULING OF THE CHAIR

The Chair ruled that the Minority Report of the Rules Committee

is not in order and that the Majority Report of the Standing Committee on Rules is accepted.

The Chair recognized the Senator from Jefferson.

POINT OF ORDER

Mr. Turner raised the Point of Order that the question before the Senate is House Message containing H. B. 244, and until a motion on H. B. 244 is made, Senator Dumas cannot debate Report from Rules.

MOTION IN WRITING

Mr. Dumas offered the following motion in writing, to-wit:

"MOTION TO RECOMMIT

Motion is hereby made to recommit to the Committee on Rules the Rules Committee report returning to the Senate the House message containing H. B. 244 recommending that the bill be considered and passed, the Governor's veto to the contrary notwithstanding, for reconsideration, and for a subsequent report on the 34th Legislative Day.

/s/ Dumas"

POINT OF ORDER

Mr. Turner raised the Point of Order that the motion by Mr. Dumas was not in order at this time, the Senate is not on Motions and Resolutions in order of business, and further the motion is out of order because it returns report, not the bill.

The Chair ruled the motion by Mr. Dumas in order.

REPORTS OF COMMITTEES RESUMED

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Broadfoot:

H. 1341. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Brannan (with notice and proof):

H. 1372. To alter or rearrange the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

By Messrs. Thomas and Lee:

H. 1477. Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 24,600 nor more than 25,300, according to the 1960 or any subsequent federal decennial census.

By Mr. Gordon (with notice and proof):

H. 1479. To amend further Act No. 345, H. 793, approved September 24, 1923 (Local Acts of Alabama, 1923, page 237), which relates to the election, duties, term of office and compensation of the county superintendent of education of Blount County.

By Mr. Brannan (with notice and proof):

H. 1481. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

By Messrs. Turnham and Torbert:

H. 1484. Authorizing the appointment of juvenile court officers in counties having populations of not less than 49,500 nor more than 50,000, according to the 1960 or any subsequent federal decennial census.

By Messrs. Gross and Cabiness:

H. 1487. To provide for the payment of an allowance for the chairman of the board of revenue, court of county commissioners or like governing body of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal decennial census.

By Messrs. Roberts and Reynolds (Madison) (With Notice and Proof):

H. 1488. To amend Act No. 661, H. 1077, approved September 20, 1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, vol. II, p. 1003) so as to provide further for the appointment of assistant clerks, and further for the compensation of the chief clerk, assistant clerks, and the judge of said court.

By Mr. Meade (With Notice and Proof):

H. 1486. To alter, re-arrange and extend the boundary lines of the Town of Cedar Bluff, in the County of Cherokee, State of Alabama, so as to include within the corporate limits of said town all territory within the existing corporate limits and certain other territory in Cherokee County, Alabama.

By Messrs. Dunn and McCorquodale (With Notice and Proof):

H. 1490. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

By Mr. Speaks (With Notice and Proof):

H. 1497. To alter, re-arrange and extend the boundaries of the Town of Maplesville.

By Messrs. Merrill and Albea:

H. 1498. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

By Messrs. Roberts and Reynolds (Madison):

H. 1499. To authorize and make provisions for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and

savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

By Messrs. Albea and Merrill:

H. 1501. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

By Mr. Hearn:

H. 1505. To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than forty-five thousand (45,000) nor more than fifty thousand (50,000) inhabitants according to the last or any subsequent Federal decennial census.

By Mr. Ray (With Notice and Proof):

H. 1506. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the city.

By Messrs. Oakley and Nettles (With Notice and Proof):

H. 1508. To alter, rearrange and extend the boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, so as to annex certain territory to the town.

By Mr. Johnston (Leonard):

H. 1509. To regulate the compensation of deputy sheriffs in counties having populations of not less than 28,000 nor more than 30,550 according to the last or any subsequent federal decennial census; and providing for the payment thereof.

By Messrs. Goldthwaite, Bailey and Pierce (With Notice and Proof):

H. 1510. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering, and in lien of its judgments.

By Messrs. Goldthwaite, Bailey, Goodwyn and Pierce (With notice and

Proof):

H. 1511. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

By Messrs. Goodwyn, Bailey, Pierce and Goldthwaite:

H. 1512. To amend Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama which relates to the regulation and licensing of barbers and barber colleges, and other like businesses in any county of the State of Alabama having a population of at least 150,000 nor more than 250,000, to creating a barber's Commission for said counties and defining the powers and duties of said barber Commission and providing for an inspector and providing a penalty for the violation of the provisions thereof.

By Messrs. Murphy and Engel (With Notice and Proof):

H. 1516. To authorize and direct the county governing body of Mobile County to pay certain sums as supplementary pension payments to certain employees of the county entitled to retirement pay from sources to which the county has contributed.

By Messrs. Murphy and Engel:

H. 1515. To authorize the governing bodies of all counties having populations of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent federal decennial census, to appropriate county funds for the purpose of providing death compensation, comparable and equal to death compensation payable under Article 2, Chapter 5, Title 26, Code of 1940, as amended, for the death of county employees arising out of and in the course of their employment, whether such death occurred prior to or subsequent to the effective date of this Act; and to provide for the payment of such compensation.

By Messrs. Murphy and Engel (With Notice and Proof):

H. 1517. To provide for temporary commitment of insane persons by the probate judge of Mobile County.

By Messrs. Murphy and Engel (With Notice and Proof):

H. 1519. To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

By Messrs. Murphy and Engel (With Notice and Proof):

H. 1520. To create the Mobile Area Foundation for Public Higher Education to provide for, promote, and encourage education on a college or university level; to provide for the selection of the members and board of directors of such Foundation; to authorize and direct such board to become a public non profit corporation; to prescribe the manner of effecting such corporation; to authorize and empower the corporation to enter into agreements with certain public educational bodies for the purpose of providing public higher educational facilities for the Mobile area, to transfer property to such educational body for such purposes,

to buy, sell, lease and hold land, to accept gifts and bequests for educational purposes, to make contracts, incur liabilities, borrow money, pledge assets and loan funds; and to provide for the perpetual succession of the corporation.

By Messrs. Rogers and Adams (With Notice and Proof):

H. 1524. To alter, re-arrange and extend the boundaries and corporate limits of the City of Tuskegee in Macon County, Alabama.

By Mr. Brannan:

H. 1527. Authorizing the governing bodies of all counties having populations of not less than 48,500 nor more than 49,750 to provide retirement allowances for certain county employees.

By Mr. Brannan:

H. 1528. To authorize the employment of an administrative assistant to the governing body of any county having a population of not less than 48,500 nor more than 49,750.

By Mr. Brannan:

H. 1529. Relating to the appointment, duties, and compensation of the county treasurer in all counties having populations of not less than 48,500 nor more than 49,750.

By Messrs. Brewer and Gilchrist (With Notice and Proof):

H. 1502. Relating to the organization, jurisdiction and functions of certain Courts of Morgan County; revising the inferior court system of said county; establishing "The County Court of Morgan County, Alabama", defining its jurisdiction and powers, providing for its officers, their election; terms of office, powers, duties, and compensation, and for costs and fees in such court, abolishing "The Morgan County Court" of Morgan County under the special laws creating it, providing for the transfer of all cases pending in said court to "The County Court of Morgan County, Alabama," and providing for juvenile detention facilities in Morgan County.

By Messrs. Brewer and Gilchrist (With Notice and Proof):

H. 1375. To establish a merit system for the City of Decatur; to provide a policy for the administration of this act; to divide positions in the city into classified and exempt services, and to provide for changes between such services; to provide a status for present employees, personnel rules and personnel plans of the city; to provide for the organization of the Personnel Board of the city, to establish the qualifications of its members and the duties they will perform; to provide for the adoption, amendment and repeal of rules, regulations, job classification plans and pay plans to effectuate the purposes of this act; to provide for the employment of persons with and without competitive examination; to provide for temporary appointments and the manner in which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying-off of employees; to establish the manner in which employees may be disciplined and to provide a proce-

dure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to require such Board to maintain certain records; to prohibit political activity by certain employees of the city; to provide for the expenses of such Board; and to guarantee certain rights to the governing body of the city and to repeal conflicting laws.

By Messrs. Brewer and Gilchrist (With Notice and Proof):

H. 1503. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Edwards et al:

H. 1205. To amend Code of Alabama 1940, Title 29, Section 28, relating to the granting of licenses for the sale of malt or brewed beverages.

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Copeland and Hanby (With Amendment):

H. 549. To apply only in those counties having populations of not less than 100,000 nor more than 115,000, according to the latest or any subsequent federal decennial census and to provide further for the disposition of the proceeds of the sale of contraband or forfeited property and the distribution and disposition of the funds realized from such sales.

FURTHER CONSIDERATION OF RULES COMMITTEE REPORT

The Senate proceeded to further consideration of the Rules Committee Majority Report relative to H. B. 244.

The question was on the motion of Mr. Dumas that said Report be recommitted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1472. Relating to the operation of boards of equalization of all counties having populations of not less than 150,000 nor more than 250,000 according to the most recent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Golson	Moses	Shelton
Cooper	Graham	Porter	Word
Crawford	Green	Roberts	Wyatt
deGraffenried			

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Nays: —0

The Bill:

H. 742. Relating to Tallapoosa County; providing for the compensation and allowances of the county superintendent of education; repealing Act No. 100, H. 442, approved June 28, 1957 (Acts 1957, vol. I, p. 137).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Johnson (J. T. Tom):

H. 1537. To fix the compensation of the Commissioner of Agriculture and Industries.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1537 — to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Bevill and Shumate:

H. 1055. For the relief of A. B. Legg and Sons Burial Insurance Company, Inc.

Also:

By Messrs. Bevill and Goodwyn:

H. 1151. To amend Section 755 of Title 7, Code of Alabama 1940, relating to appeals from interlocutory decrees in equity cases.

Also:

By Messrs. Dunn and McCorquodale:

H. 1489. To propose a constitutional amendment relative to levying additional taxes in Clarke County for public school purposes.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1055 — to the Committee on Finance and Taxation

H. B. 1151 — to the Committee on Judiciary

H. B. 1489 — to the Committee on Local Legislation

(The above numbered Bill, H. B. 1489, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Murphy, Engel and Trimmier:

H. 1132. Relating to oysters; to amend Section 139 of Title 8, Code of Alabama 1940, as last amended, so as to eliminate the three cent (3c) per barrel tax thereon and increase the percentage of oyster shells

to be returned to the reefs from thirty per cent (30%) to fifty per cent (50%).

Also:

By Messrs. Murphy, Engel and Trimmier:

H. 1136. To provide for an annual appropriation of $3,500.00 by the State of Alabama to the Gulf States Marine Fisheries Commission as the State of Alabama's prorated share of the annual operating expenses of said Commission.

Also:

By Mr. Phillips:

H. 57. To amend Act No. 261, H. 37, Regular Session 1957, an act levying a documentary tax or transfer fee upon leases and instruments creating or transferring mineral interests (Acts of Alabama 1957 vol. I, p. 332).

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1132, 1136 and 57 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan and Ferguson:

H. 493. To amend further Section 2 of Title 51, Code of Alabama 1940, in relation to the amount of property of blind persons exempted from ad valorem taxation.

Also:

By Messrs. Ferguson and Callahan:

H. 1532. To amend Section 832 of Title 51, Code of Alabama 1940, in relation to the amount of exemption for blind persons from state, county, or municipal privilege licenses.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 493 and 1532 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Nichols, Boyd, Bassett:

H. 228. To amend further Section 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

Also:

By Mr. Harris:

H. 660. To create a solicitor's fund in the ninth judicial circuit of Alabama; to provide for the appropriation of moneys to said fund from solicitor's fees taxed and collected in all criminal cases in all courts in the ninth judicial circuit; and to authorize expenditures of said fund by the circuit solicitor for law enforcement and the discharge of the duties of his office.

Also:

By Messrs. Torbert, Turnham, Nichols and Smith (Russell):

H. 1470. Proposing an amendment to the Constitution of Alabama relative to the board of trustees of Auburn University.

Also:

By Mr. Thomas:

H. 1369. To amend Section 12 of Act No. 533, page 750, Acts of Alabama 1957, Regular Session, relating to the State Board of Registration for Foresters; amending and changing the requirements for registration.

Also:

By Messrs. Hain, Gilmer, Hardy, Oakley, Long (Perry), Barnett, Avery, Ramey and Nettles:

H. 1526. To amend Act No. 339, S. 188, Regular Session 1955, an act relating to and creating a solicitor's fund for the use of the circuit

solicitor of the Fourth Judicial Circuit (Acts of Alabama 1955, vol. II, p. 761).

Also:

By Messrs. Turnham, Jones (Monroe), Torbert, Dodd, Phillips, Franklin, Jenkins, Jones (Covington), Salter, Glass, Shumate, Johnston (Leonard), Hearn, Speaks, Ferguson, Hankins and McLendon (Bullock):

H. 438. Relating to special property taxes for county buildings, bridges, and roads; amending Code 1940, Title 12, Section 186, to provide that the proceeds of public building, road and bridge taxes in excess of amounts payable on bonds, warrants, or other securities may be spent for general county purposes.

Also:

By Mr. Broadfoot:

H. 1122. Requiring Communists, Nazis and Muslims and known members of Communist-front organizations to register with the department of public safety, and prescribing penalties.

Also:

By Messrs. Turnham, Jones (Monroe), Torbert, Dodd, Phillips, Franklin, Jenkins, Salter, Jones (Covington), Glass, Shumate, Johnston (Leonard), Hearn, Speaks, Ferguson, Hankins, McLendon (Bullock):

H. 437. Proposing an amendment to Section 215, Article 11, Constitution of Alabama 1901, in relation to the use of the proceeds of property taxes levied by counties for public building, road, or bridge purposes.

Also:

By Mr. Camp:

H. 1430. To create and establish a special fund for the use of the adult blind department, Alabama Institute for the Deaf and Blind, and making an appropriation for that purpose.

Also:

By Messrs. Goldthwaite, Bailey, Pierce, Thomas, Goodwyn and Lee:

H. 1458. To amend Act No. 528, S. 396, Regular Session 1957, an act relating to the public schools (Acts of Alabama, Reg. Sess. 1957, vol. II, p. 723).

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing

Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 228, 660, 1526, 438, 437 and 1430 — to the Committee on Finance and Taxation

H. B.'s 1470, 1369, 1122 and 1458 — to the Committee on Judiciary

(The above numbered Bills, H. B.'s 1470 and 437 were read at length as required by the Constitution).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Faulk:

H. 1491. To vacate and hold for naught that certain dedication to the use of the public, as a park, driveway and pleasure ground forever, to certain real estate in the City of Geneva, Alabama, conveyed by D. H. Morris and others to Geneva County, Alabama, and by Geneva County, Alabama to the City of Geneva, Alabama, and to vest fee in City of Geneva, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

NOTICE

Notice is hereby given that a bill substantially as set forth hereinbelow will be introduced in the Legislature and its passage sought.

A BILL

TO BE ENTITLED

AN ACT

To vacate and hold for naught that certain dedication to the use of the public, as a park, driveway and pleasure ground forever, to certain real estate in the City of Geneva, Alabama, conveyed by D. H. Morris and others to Geneva County, Alabama, and by Geneva County, Alabama to the City of Geneva, Alabama, and to vest fee in City of Geneva, Alabama.

Section 1. That the dedication to the use of the public, as a park, driveway and pleasure ground forever, to the real estate described hereinbelow and contained in that certain deed executed by D. H. Morris and others to Geneva County, Alabama, on April 25, 1933, and recorded in Deed Book K-2, Pages 322 et seque, be and the same is hereby vacated and held for naught. Said real estate is described as follows:

Beginning at the Southwest corner of the intersection of Morris and

High Streets in Fleming addition to Town of Geneva, Alabama, thence S 84°-57'W a distance of 401 feet, thence S 5° 03'E a distance of 10 feet, thence S 84°-57'W a distance of 765 feet to the point of beginning of a 6°-00 curve to the left, thence along said curve 653.3 feet to the end of said curve, thence S 45°-45'W a distance of 283.1 feet to the point of beginning of a 3°-00 curve to the right, thence along said curve a distance of 693.3 feet to the end of said curve, thence S 66°-33'W a distance of 300 feet to the beginning of a curve to the left having a radius of 90 feet, thence along said curve to the point where it becomes tangent to the north right of way line of the Geneva-Samson State Highway, thence N 55°-37'W along said right of way line, a distance of 519.2 feet, thence by a 12°-30' curve beginning at the end of the line immediately preceding tangent to said line but in reverse direction, a distance of 462.7 feet, thence N 66°-33'E, a distance of 273 feet to the point of beginning of a 3°-00' curve the left, thence along said curve, a distance of 693.3 feet, N 45°-45'E, a distance of 15 feet, thence by a line which is described as being parallel to and thirty feet to the left of the following traverse — the deflection of each line from the preceding being given in degrees and minutes, right or left, as the case may be, the length of tangent of the curve used at each angle being given as additional data to be applied at the angles, but not affecting the lengths of the courses. The traverse is as follows: Beginning at the end of the last course, above given, thence 102°-30' to the left (no curve) a distance of 559 feet, thence 76°-45' right (tangent 100 feet) a distance of 300 feet, thence 75°-50' left (tangent 100 feet) a distance of 450 feet, thence 84°-20' right (tangent 100 feet) a distance of 100 feet, then 18°-00 right (no curve) a distance of 995 feet, thence 46°-50' right (no curve) a distance of 1062 feet, thence 7°-50' left (tangent 70 feet) a distance of 306 feet, at this point the traverse intersects the south boundary of the State Highway known as the "Old Geneva-Samson Road" at a point opposite Station 40-10 of said highway, the line parallel to and 30 feet to the left of said traverse, which is the true boundary of the parcel of land being described, intersects said south boundary of said State Highway opposite Station 40-90, abandoning the parallel line description and continuing from this point 22°-20' (no curve) along south boundary of highway a distance of 490 feet to a point opposite station 36-00 of said highway, thence 77°-00 right (no curve) a distance of 368 feet, thence 14°-45' right (tangent 100 feet) a distance of 400 feet, thence 12°-00 right (tangent 70 feet) a distance of 70 feet, thence by a 38°-45' curve to the left, a distance of 85 feet, thence N 84°-57' E, a distance of 12 feet, thence S 5°-03'E, a distance of 10 feet, thence N 84°-57'E a distance of 412 feet to the northwest intersection of Morris and High Street, thence S 5°-03'E, a distance of 60 feet to the point of beginning—

In connection with above description, reference is made to "MAP OF GENEVA HEIGHTS" on file in office of the Judge of Probate, Geneva County, Alabama.

The property herein described, consisting of three parks, situated on a located street just west of the town of Geneva, and lying between the Old Samson Road, and the present Geneva-Samson highway, (said) parks being bounded by driveways, and connected by a system of roadways, as set forth in the "Map of Geneva Heights" on file in the office of Judge of Probate, Geneva County, Alabama, is deeded and conveyed to the County of Geneva, and is dedicated to the use of the public as a park, driveway and pleasure ground forever.

Section 2. That the dedication to the use of the public, as a park, driveway and pleasure ground forever, to the real estate described here-

inbelow and contained in that certain deed executed by Geneva County, Alabama , to the City of Geneva, Alabama, on February 20, 1953, recorded in Deed Book M3 page 546 et seq., be and the same is hereby vacated and held for naught. Said real estate is described as follows:

That certain parcel of land lying and being in Morris and Johnson Subdivision of Geneva Heights in the City of Geneva, Alabama, known as Morris Park and bounded as follows: On west by Hope Drive, on North by Pine Hill Drive, on East by Azeala Drive and on South by Refuge Road, in accordance with Map and Plat of Morris and Johnson Sub-division of Geneva Heights, Geneva, Alabama, recorded in Deed Book Q-2, page 55.

Section 3. That the City of Geneva, Alabama, is the owner in fee simple title of the property described in Section 2 thereof.

Section 4. This Act shall become effective upon its approval by the Governor or upon its otherwise becoming a law.

PROOF OF PUBLICATION

STATE OF ALABAMA

COUNTY OF GENEVA

Before me, the undersigned authority in and for said County in said State, this day personally appeared Orsen B. Spivey, who, being by me first duly sworn, deposes and says that during the times herein mentioned he was Publisher of the Geneva County Reaper, a newspaper of general circulation published in Geneva County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on August 3, August 10, August 17, and August 24, all in the year 1961.

ORSEN B. SPIVEY.

Sworn to and subscribed before me August 24, 1961.

KAROL L. FLEMING,

Title, Notary Public.

My Commission Expires 2nd July, 1963

Also:

By Mr. Hearn:

H. 1504. To alter or rearrange the boundary lines of the City of Arab, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

MARSHALL COUNTY

Notice is hereby given pursuant to Section 106 of the Constitution of Alabama 1901 that application will be made to the Legislature of Alabama for the enactment of local law, the substance of which is as follows:

A BILL

TO BE ENTITLED

AN ACT

To alter or rearrange the boundary lines of the City of Arab, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Be it enacted by the Legislature of Alabama:

Section I. That the boundary lines of the City of Arab, Marshall County, Alabama, be, and the same are hereby altered or rearranged so as to include all of the territory heretofore encompassed by the corporate limits of the City of Arab, Alabama and in addition thereto the following described territory, to-wit:

South Half of Section 13, Township 8, South, Range 1 East,; and Northeast quarter of the Southwest quarter of Section 18, Township 8, Range 2, less that part of southern end which is now a part of the City of Arab, Alabama; and Southeast quarter of the Southwest quarter of Section 18, Township 8, Range 2, less that part of the Northwestern corner which is now part of the City of Arab, Alabama; and Beginning at the Southwest corner of the South west quarter of the Northeast quarter of Section 18, Township 8, Range 2, thence North 1082.1 feet; then South 42 degrees 52 minutes east 660.8 feet; thence South 31 degrees 48 minutes east 626.6 feet; thence South 40 degrees 48 minutes west 62.8 feet; thence west 743.2 feet to point of beginning, containing 11 acres in the Southwest corner of the Southwest quarter of the Northeast quarter of Section 18, Township 8, Range 2; lying and being in Marshall County, Alabama.

Section 2. That this act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Adopted this 20 day of July, 1961.

PROOF OF PUBLICATION

STATE OF ALABAMA

MARSHALL COUNTY

Before me Charles O. Aaron, a Notary Public in and for the State

and County aforesaid personally appeared Ewell Reed, who, being by me first duly sworn deposes and says that during the times herein mentioned he was Publisher of Arab Tribune, a newspaper of general circulation published in Marshall County, Alabama, and that the attached notice was published in said newspaper once a week for four successive weeks without cost to the State of Alabama, said notice having appeared in the issues of said paper on July 27, 1961, August 3, 1961, August 10, 1961 and August 17, 1961, all in the year 1961.

EWELL REED,
Affiant.

Sworn to and subscribed before me on this 21 day of August, 1961.

CHARLES O. AARON,
Notary Public.

Also:

By Messrs. Hawkins, Sessions, Rast, Edwards, Perry, Morrow and Locke:

H. 1405. To amend further Section 706, Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of motor vehicle license tags, and by prescribing further penalties.

Also:

By Messrs. Thomas and Lee:

H. 1534. To provide for the collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the city of Eufaula, Barbour County.

Also:

By Mr. Meade:

H. 1535. To repeal Act No. 261, H. 514, Regular Session 1961, entitled "To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census."

Also:

By Mr. Meade:

H. 1536. To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census.

Also:

By Messrs. Murphy, Engel and Trimmier:

H. 1541. Relating to the management of public records now on hand and required by law to be kept by the Circuit Court of Mobile County, Alabama, and the subdivisions thereof, and which may in the future be required to be kept by such Court; providing for the photographing or

microfilming or other permanent reproduction of such public records kept and required to be kept by such Court, and providing that such reproduced copies shall constitute the official records of such Court and further providing copies made from such reproduced records will be admissible in evidence; and for the defrayment of the cost of such reproduction of such records, and the costs of equipment, supplies and personnel required for the maintenance, use and operation of such records by such Court after such reproduction has been completed.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA
COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

Relating to the management of public records now on hand and required by law to be kept by the Circuit Court of Mobile County, Alabama, and the subdivisions thereof, and which may in the future be required to be kept by such Court; providing for the photographing or microfilming or other permanent reproduction of such public records kept and required to be kept by such court and providing that such reproduced copies shall constitute the official records of such Court and further providing copies made from such reproduced records will be admissible in evidence; and for the defrayment of the costs of such reproduction of such records, and the cost of equipment, supplies and personnel required for the maintenance, use and operation of such records by such Court after such reproduction has been completed.

Be It Enacted By The Legislature of Alabama:

Section 1. The heads of the divisions and subdivision of the Circuit Court of Mobile County, Alabama, namely: The Circuit Court Clerk and Circuit Court Register, or their duly appointed deputies, shall be authorized to cause any record, document, plat, court file, books, maps, paper or writing made, acquired or received as required by law, now on hand and which may in the future be required by law, to be photographed or microfilmed or by other permanent reproduction. Such photographs, microfilms, reproduced prints made therefrom, when duly authenticated by the custodian thereof, shall have the same force and effect at law as the original record, or of a record made by any other legally authorized means, and may be offered in like manner and shall be received in evidence in any court where such original record, or record made by other legally authorized means, could have been so introduced and received. Provided, however, that the provisions of this Act shall not apply to the

State Department of Public Welfare, the State Health Department, the State Board of Health, the State Department of Industrial Relations, or to any other office, court, commission, board, institution, department or agency of the State which is otherwise authorized by law to provide for the reproduction of its records.

Section 2. The aforementioned Clerk and Register, or their deputies, shall be charged with the full responsibility of such reproduction of all public records as heretofore authorized by law; that an index to this record be kept on the consolidated docket sheet of the causes filed.

Section 3. The defrayment of the costs of such reproductions of such records and the costs of equipment, supplies and personnel required for the maintenance, use, and operation of such records by such Court shall be paid by the Court of Mobile out of the General Fund of said County.

Section 4. All provisions of any Act inconsistent with the provisions of this Act are hereby expressly repealed to the extent of such inconsistency.

Section 5. If any section or part of any section of this Act is declared to be unconstitutional, the remainder of the Act shall not thereby be invalidated.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon it otherwise becoming a law.

PROOF OF PUBLICATION

Dan E. Miller, Jr. being sworn, says that he is Office Manager of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama; and the attached notice appeared in the issue of the Mobile Register July 31, Aug. 7, 14, 21, 1961.

DAN E. MILLER, Jr.,

Sworn to and subscribed before me This 22 day of August, 1961.

JOHN A. BELL,
Notary Public.

Also:

By Mr. Self:

H. 1543. Proposing an amendment to the Constitution relating to the levy and collection of special property taxes in Marion County for public school purposes.

Also:

By Messrs. Murphy and Engel:

H. 1269. Relating to Mobile County: To fix the compensation of

the register of the circuit court of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

Relating to Mobile County: To fix the compensation of the register of the Circuit Court of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. The register of the Circuit Court of Mobile County shall receive a salary of nine thousand, six hundred dollars ($9,600.00) per annum, which shall be paid in equal monthly installments out of the treasury of Mobile County, plus such additional compensation to which he shall now or hereafter by law be entitled for his services in the handling of absentee ballots on elections.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon the expiration of the term of office of the incumbent register of the Circuit Court.

PROOF OF PUBLICATION

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 1, 8, 15, 22, 1961.

W. F. EGAN,

Sworn to and subscribed before me This 22nd day of July, 1961.

D. E. MILLER, JR.,

Notary Public.

Also:

By Messrs. Murphy and Engel:

H. 1270. Relating to Mobile County: To fix the compensation of the clerk of the circuit court of Mobile County.

With notice and proof thereto attached and herewith exhibited as follows:

LEGAL NOTICE

STATE OF ALABAMA

COUNTY OF MOBILE

Notice is hereby given that a bill substantially as follows will be introduced in the Legislature of Alabama and application for its passage and enactment will be made, to-wit:

A BILL

TO BE ENTITLED

AN ACT

Relating to Mobile County: To fix the compensation of the clerk of the Circuit Court of Mobile County.

Be it enacted by the Legislature of Alabama:

Section 1. The clerk of the Circuit Court of Mobile County, Alabama, shall be entitled to an annual salary of ten thousand dollars ($10,000), which shall be paid in equal monthly installments out of the general fund in the county treasury. The compensation herein provided for the clerk shall be in lieu of all other compensation heretofore prescribed or provided for by law.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective at the beginning of the term of office of the clerk of the Circuit Court who is elected in 1964.

PROOF OF PUBLICATION

W. F. Egan being sworn, says that he is Comptroller of the Mobile Press and The Mobile Register; daily newspapers printed and published in the City and County of Mobile, State of Alabama: and the attached notice appeared in the issue of The Mobile Register July 1, 8, 15, 22, 1961.

W. F. EGAN,

Sworn to and subscribed before me This 22nd day of July, 1961.

DAN E. MILLER, JR.,

Notary Public.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1491, 1504, 1405, 1534, 1535, 1541, 1543, 1269 and 1270 — to the Committee on Local Legislation

H. B. 1536 — to the Committee on Finance and Taxation

(The above numbered Bill, H. B. 1543, was read at length as required by the Constitution).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Meade, Cabiness, Vickers, Roberts and Copeland:

H. 616. To provide for the registration and licensing as "antique vehicles" of certain motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 616 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan, Speaks, Goodwyn, Solomon, Camp, Ferguson, Harris, Broadfoot, Hearn, Cates:

H. 778. To regulate the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last

or any subsequent federal decennial census; requiring the registration and licensing of cosmetologist and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor; to repeal Act No. 653, General Acts 1957, Regular Session, page 981, as amended by Act No. 633, General Acts 1959, Regular Session, page 1540, which regulated the teaching and practicing of cosmetology.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 778 — to the Committee on Public Health

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Solomon:

H. 1200. To amend Sections 283, 287, 288 and 296 of Title 2 of the Code of Alabama of 1940, relating to the registration and sale of fertilizer and fertilizer material and the authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect thereto.

Also:

By Mr. Rast:

H. 1016. TO AMEND Act No. 438 of the Alabama Legislature, approved July 8, 1943, (Title 28, Section 352, Alabama Code (1940) as amended) to authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate in principal amount of up to three-fourths of the value of the real estate; and to delete therefrom the provisions relating to special loans up to four-fifths of the value of said real estate; and to provide that this section shall not affect loans insured or guaranteed by the federal housing commissioner or the veterans administration.

Also:

By Messrs. Smith (Russell) and Torbert:

H. 1292. To amend Section 348, Title 51, Code of Alabama, 1940, and to repeal all laws and parts of laws, general or special, in conflict herewith.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 1200 — to the Committee on Agriculture

H. B. 1016 — to the Committee on Judiciary

H. B. 1292 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Brannan:

H. 1118. To appropriate the sum of three hundred thirty-four dollars and twenty-four cents ($334.24) out of the Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

Also:

By Mr. Brannan:

H. 1116. Making an appropriation from the state treasury for the relief of Barney Davis of Foley, Alabama.

Also:

By Messrs. Murphy, Engel and Trimmier:

H. 957. To amend Sections 46, 55, 57 and 59 of Title 38 of the Code of Alabama of 1940, which relate to Bar Pilots and Pilotage.

Also:

By Messrs. Murphy, Engel and Trimmier:

H. 958. To provide for the compulsory retirement of Bar Pilots licensed and branched by the State Pilotage Commission and to fix the effective age and date of such retirement.

Also:

By Mr. Pierce:

H. 1321. Amending Section 504 of Title 51—Code of Alabama 1940.

Also:

By Mr. Pierce:

H. 1322. To Amend Sections 2, 3, and 4 of Act No. 100 (S. 68), regular session of the Legislature of 1959 approved June 24, 1959; General Acts of 1959, relating to Board of Dental Examiners of Alabama, election, qualification, term, vacancy, removal from office: Officers, seal, meetings, quorum, compensation and expenses, fees; bonds, annual reports, national affiliation.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1118, 1116, 1321 and 1322 — to the Committee on Finance and Taxation

H. B.'s 957 and 958 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Oden:

H. 1018. To validate certain elections held since February 24, 1959, under any constitutional amendment or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

Also:

By Messrs. Long (Perry) and Barnett:

H. 1146. To authorize the cities and towns of this state to provide for the establishment and operation of public medical clinics, and to authorize the lease or rental of all or any part of such clinics for use by doctors or dentists connected with the operation of such clinics.

Also:

By Messrs. Locke and Perry:

H. 1356. To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local fraternal uses; to prevent impairment of such intent and to preserve the charitables of trust use intended, from subjection to uses, functions or rules subversive of such intent or inconsistent with social order, harmony and good will in the administration thereof as a result of or in the event of

action by any higher or affiliate order or other authority affecting the administration or use of the property; and to provide for repayment of loans or grants made by the parent order (or its affiliated organization) to the local fraternity as those terms are herein defined; and to provide procedure for protection and preservation of such intent and the fraternal, charitable or educational use involved and said declaratory act to that end.

Also:

By Messrs. Locke, Hawkins, Rast, Morrow, Edwards and Sessions:

H. 1398. To amend further Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the board of registrars of the result of proceedings to legitimate bastard children.

Also:

By Messrs. Locke and Sessions:

H. 1400. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

Also:

By Mr. Hanby:

H. 746. To provide for and authorize certain physically incapacitated persons to vote absentee ballots.

Also:

By Mr. Dunn:

H. 1348. To amend Section 14 of Act No. 598, H. 871 approved September 18, 1957 (Acts of Alabama, Regular Session 1957, p. 848), the act to regulate the qualifications, applications, examinations and licensing of all persons who shall be hereafter licensed to act as agent for or to solicit business for any life or health and accident insurance carriers in Alabama who shall engage in the business of selling, soliciting, issuing, delivering, effecting or collecting premiums on policies or contracts of life insurance or contracts of health and accident insurance or both; to define terms; to provide penalties for violations of the provisions hereof; to prohibit the representing of unauthorized insurers; to provide for liability of insurance agents when representing unauthorized insurers; to prohibit the doing of business by unlicensed agents; to prohibit the doing of business with unauthorized agents; to provide for the revocation of licenses; to provide that certain information, documents, records or statements disclosed or made to the Superintendent of Insurance shall be deemed a privileged communication and shall not be used as evidence in any court action or proceeding; to provide for the refusal, suspension, or revocation of license and to provide for a hearing thereof, to provide an appeal from certain actions of the Superintendent; to pro-

vide for the making of certain rules and regulations by the Superintendent; to provide for the making of certain investigations by the Superintendent; to provide for penalties for the violation of this Act; to provide for the severability of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

Also:

By Mr. Dunn:

H. 1349. To amend Section 10 of Act No. 530, H. 629, approved September 13, 1957 (Acts of Alabama, Regular Session 1957, P. 726), The Act: To protect the interest of the public with respect to insurance agents, solicitors and brokers: to regulate the conduct of the business of insurance agents, solicitors and brokers: to provide for the powers and duties of the Superintendent of Insurance with respect thereto: to provide for the examining and licensing of insurance agents, solicitors and brokers: to provide for the administration of this Act: to provide for the denial, revocation or suspension of licenses under this Act: to provide for penalties for the violation of any provision of this Act: to provide for judicial review of the acts of the Superintendent of Insurance with respect to the administration of the provisions of this Act: to repeal all laws or parts of laws in conflict therewith:

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 1018 and 1146 — to the Committee on Finance and Taxation

H. B.'s 1356, 1398, 1400, 746, 1348 and 1349 — to the Committee on Judiciary

(The above numbered Bill, H. B. 1400, was read at length as required by the Constitution).

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Sessions:

H. 191. To amend Section 613 of Title 51, Code of Alabama 1940.

Also:

By Messrs. Trimmier and Murphy:

H. 466. To provide for an additional judge of the Thirteenth Ju-

dicial Circuit of Alabama.

Also:

By Mr. Brewer:

H. 1212. Relating to Patents to Public Lands.

Also:

By Messrs. Brewer, Bevill, Speaks, Self, Roberts, Locke and Casey:

H. 1213. To provide for the transfer of cases to a proper court when a trial court sustains a plea in abatement as to venue.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 191 and 466 — to the Committee on Finance and Taxation

H. B.'s 1212 and 1213 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (Russell):

H. 1220. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of $10,000.00, or so much thereof as may be necessary, to the Fort Morgan Historical Commission, for the purpose of remodeling and/or constructing certain projects at Fort Morgan.

Also:

By Messrs. Smith (Russell), Grouby, Oden, Vickers, Boyd, Goodwyn, Pruitt and Casey:

H. 14. To appropriate out of funds in the State Treasury to the credit of the State Health Department Vital Statistics Fund the sum of $87,492.00, or so much thereof as may be necessary, for the purpose of enlarging and equipping the vault of the Bureau of Vital Statistics in the State Office Building, Montgomery, Alabama.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 1220 and 14 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Smith (Russell):

H. 1367. To provide for the furnishing of transcripts of evidence for appeals in criminal cases where defendant, appellant is indigent; to state the purposes of this act; to define the criminal cases to which this act is applicable; to prescribe the manner in which and time within which an indigent defendant, appellant may petition the trial court to order a transcript of the evidence to be prepared; to prescribe the contents and form of said petition; to prescribe the manner of proceeding by the trial court or trial judge upon said petitions; to prescribe for the disposition of said petitions by the trial court; to provide for and prescribe the matters to be considered by the trial court in proceedings brought under the provisions of this act; to provide for and prescribe the conditions under which the trial court may order all or a part of the transcript of the evidence to be prepared by the court reporter and to provide for the trial court to make and enter an order under certain circumstances authorizing the payment to the court reporter of all or a part of his fees for preparing such transcript, and to provide that said payment to the court reporter be paid out of the general fund of the State treasury, and to require the defendant, appellant to pay for part of the cost of transcribing if he is able; to provide for this act to be applicable in certain appeals now pending in other cases wherein defendant, appellant cannot otherwise comply with all of the provisions of this act, particularly the time for filing a petition; to prescribe the time within which defendant, appellant may file a petition under the provisions of this act; to provide for a review of a denial by the trial court for a petition filed under the provisions of this act for a transcription of the evidence; to provide for judgment to be entered against an unsuccessful defendant, appellant on appeal to pay the cost or fees of the court reporter paid by the State for transcribing evidence, and that such costs so paid be paid into the general fund of the State, and to provide further for an additional sentence of hard labor for the county or imprisonment in the penitentiary at a certain rate if such payment is not made by defendant, appellant, and to provide further for reimbursement to the general fund of the State by the county when the costs or fees of the court reporter for transcribing the evidence of an unsuccessful defendant, appellant have been paid by the State and not paid by the defendant, appellant and when defendant, appellant is sentenced to hard labor for the county at the prescribed rate to pay said cost or fees of the court reporter; to authorize the Supreme Court with the advice and consultation of the Court of Appeals to adopt rules and regulations to accomplish the purposes of this act; and to appropriate out of the general fund of the State treasury not otherwise appropriated an amount sufficient to pay said court reporters and to carry

out the provisions of this act, said appropriation being subject before disbursement to the approval of the Governor and contingent upon the condition of the State treasury.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1367 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Smith (Russell), Brannan, Adams, Boyd, Lee, Thomas, Jones (Monroe), Oakley, Grant, Dickson, Bevill, Turnham, Pruitt, Cornett, Shumate, Phillips, Reynolds (Chambers), Solomon and Chambers:

H. 204. To amend Section 115 of Title 41 of the 1940 Code.

Also:

By Messrs. Smith (Russell), Grouby, Torbert, Oden, Vickers, Goodwyn, Ingram, Pruitt and Casey:

H. 7. To make an appropriation for the support of the Council of State Governments.

Also:

By Messrs. Smith (Russell), Grouby, Torbert, Oden, Vickers, Boyd, Goodwyn, Ingram, Pruitt and Casey:

H. 8. To make an appropriation for the support of the Southern Regional Council on Mental Health Training and Research.

Also:

By Messrs. Torbert, Goodwyn and Ingram:

H. 137. To provide for cooperation by the State of Alabama with other Southern States in nuclear development of the South, and making an appropriation for that purpose:

Also:

By Messrs. Torbert, Goodwyn and Ingram:

H. 136. To provide for participation by the State of Alabama in the Southern Interstate Nuclear Compact; providing for designation of this state's member on the Southern Interstate Nuclear Board, for cooperation of departments, agencies, and officers of this state and its subdivisions with the board, for presentation of a budget, and for contracts with the board by the board of control of the Employees Retirement System.

Also:

By Messrs. Sullivan, Dodd, Albea, Cabiness, Reynolds (Chambers), McClendon (Chambers), Nichols, Camp, Branyon, Hankins, Bishop, Broadfoot, Casey, Self, Shumate, Harris, Oden, Gordon, McLendon (Bullock), Jones (Covington), Meade, Speaks:

H. 478. To exempt certain persons from poll tax; amending Section 238 of Title 51, Code of Alabama 1940 in relation to periods of military service subject to exemption from the tax.

Also:

By Messrs. Smith (Russell), Grouby, Oden, Torbert, Goodwyn, Ingram, Pruitt and Casey (with amendment):

H. 10. To amend Section 2 of Act No. 355, approved August 23, 1957, entitled "An Act To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Mississippi and any contiguous state, for the purpose of promoting the development of a navigable interstate waterway connecting the Tombigbee and the Tennessee Rivers; to establish a joint agency and other offices for the administration of the compact; and to make an appropriation".

Also:

By Messrs. Smith (Russell), Grouby, Torbert, Oden, Vickers, Boyd, Ingram, Pruitt, Casey and Turnham:

H. 12. To appropriate the sum of $100,000 out of any funds in the State Treasury to the credit of the General Fund not heretofore appropriated, to the Board of Trustees of Auburn University for experimental farm use.

Also:

By Messrs. Oden, Grouby, Smith (Russell), Vickers and Pruitt:

H. 32. To make an appropriation for each of the fiscal years ending September 30, 1962 and September 30, 1963 to the Armory Commission of Alabama to be used in providing necessary armory facilities for the Alabama National Guard and the Air National Guard units, including the matching of federal funds made available for such purposes and including the alteration, improvement and equipment of armories therefor.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee as follows:

H. B.'s 204, 7, 8, 137, 136, 478, 10, 12 and 32 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 300. To amend Title 22, Section 199, Code of Alabama 1940, as amended, which relates to care and treatment of tubercular patients.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Oden and Ray:

H. 422. To provide that distribution of the two percent (2%) tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use, from any well or wells in the State of Alabama, pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be deposited in the State Treasury to the credit of the General Fund; to provide for the transfer of all funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1961 to the General Fund; to repeal all laws or parts of law in conflict with the provisions of this Act; and to provide an effective date therefor.

Also:

By Messrs. Bishop and Broadfoot:

H. 606. To make an appropriation for the support and maintenance of the R. C. Burns Hope Haven School for Retarded Children and the Tuscaloosa Opportunity School for Retarded Children at Tuscaloosa, Alabama.

Also:

By Mr. Edwards:

H. 1424. To provide for the compensation to be paid the Assistant

Deputy Circuit Solicitor in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

Also:

By Messrs. Smith (Russell), Cornett, Grouby, Oden, Vickers, Boyd, Goodwyn and Pruitt:

H. 16. To make appropriations to the Department of Conservation for capital improvements.

Also:

By Mr. Edwards:

H. 1425. To provide for the compensation to be paid the Deputy Circuit Solicitor who is elected by the people in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 422, 606 and 16 — to the Committee on Finance and Taxation

H. B.'s 1424 and 1425 — to the Committee on Local Legislation

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Hankins, Branyon, Self, Sullivan, Bishop, Gordon, Johnson (Hardaway), Johnston (Leonard), Ingram, Jones (Covington), Powell, McLendon (Bullock), Long (Lauderdale), Turnham, Torbert, Johnson (J. T. Tom), Guthrie, Cabiness, Harris and Jenkins:

H. 1319. Relating to the levy of additional taxes for certain purposes in all counties having a population of 45,000 or less inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue, or other like governing body of such counties to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1319 — to the Committee on Finance and Taxation

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 106. To amend further Section 201 of Title 15, Code of Alabama 1940, in relation to the surety bond required by persons engaged in the business of making bail bonds.

OAKLEY MELTON, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bill and returns same herewith to the Senate:

S. 156. To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1962 and September 30, 1963, such appropriations to be paid from the Alabama Special Mental Health Fund.

OAKLEY MELTON, JR.,
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goodwyn:

H. 701. To amend Sections 242 and 243 of Title 22, Code of Alabama (1940), which relates to narcotic drugs and poisons.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 701 — to the Committee on Judiciary

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Sessions, Edwards, Rast, Morrow, Perry and Hawkins:

H. J. R. 98. Providing for the relief of Frank L. Dowdey by Jefferson County.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES CONCURRING, That the County Commission of Jefferson County, Alabama, hereby is authorized to draw or cause to be drawn, a warrant on the Treasurer of Jefferson County, Alabama, payable to Frank L. Dowdey to compensate him for injuries sustained by him on September 2, 1958, while engaged within the line and scope of his duties as a county employee, and as a result of which his left arm and left thigh were broken with complications. The Treasurer of Jefferson County, Alabama, hereby is authorized to pay said warrant to the said Frank L. Dowdey in the amount of $3,000 out of such general funds of Jefferson County, Alabama, not otherwise appropriated.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. Dumas, the Rules were suspended and the Resolution, H. J. R. 98, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 45. — Relative to expressing deep regret at the untimely death of Ralph Macon and extending sincere sympathy to his wife and two daughters.

OAKLEY MELTON, JR.,
Clerk.

REPORT OF COMMITTEE ON

ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that

said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 5. To repeal Act No. 165, H. 30, approved June 29, 1951, entitled, "An Act to provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 47,000 nor more than 51,000 according to the most recent federal census, making the Act retroactive" (Acts of Alabama 1951, vol. 1, p. 403).

Also:

S. 6. To provide additional clerks for the tax assessor and the tax collector in all counties having a population of not less than 42,000 nor more than 46,000 according to the most recent federal census, making the Act retroactive.

Also:

S. 7. To apply in all counties having a population of not less than 42,000 nor more than 46,000 inhabitants, according to the last or any subsequent federal decennial census; providing for the appointment of a deputy clerk of the circuit court of such counties; prescribing the duties, powers, and authority of such deputy, fixing his compensation and designating the method of payment and the fund from which such compensation shall be paid.

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON

ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolution with the original Senate Joint Resolution, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 45 — Expressing the deep regret of the Legislature at the untimely death of Mr. Ralph Macon.

HUGH MOSES,

Chairman.

SIGNING OF SENATE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolution; the title of which is set out in the foregoing report from the Committee on Enrolled Bills.

SENATE JOINT RESOLUTION 45

By Mr. Jones

WHEREAS, death has come unexpectedly to Mr. Ralph Macon; and

WHEREAS, Mr. Macon loyally, capably and indefatigably served the Senate for almost thirty years as Assistant Secretary and Reading Clerk; and

WHEREAS, in his passing, the Senate has lost a dear friend and faithful employee; and

WHEREAS, his friends, associates and particularly the members of this body whom he served so untiringly will sorely miss Ralph Macon; now therefore

BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING,

That the members of the Legislature do hereby express their sincere sympathy to his wife and two daughters.

BE IT FURTHER RESOLVED that a page in the Journal of the Senate be dedicated, in grateful appreciation of services to the State, to the memory of Ralph Macon; and that a copy of this resolution be transmitted to Mrs. Macon.

MOTION TO ADJOURN TO DAY CERTAIN

Mr. Turner moved that when the Senate adjourns today, it adjourn to meet again tomorrow, Thursday, August 31st, 1961 at 12:01 A. M., which motion was adopted.

Yeas 19; Nays 8.

Yeas:

Messrs.:	Eddins	Leonard	Shelton
Andrews	Givhan	Moses	Turner
Clark	Green	Porter	Webb
Cooper	Hines	Robison	Word
Crawford	Jones	Samford	Wyatt

—19

Nays:

Messrs.:	Caffey	Dumas	Haltom
Archer	deGraffenried	Godfrey	Wilson
Berryman			

—8

REPORTS OF COMMITTEES RESUMED

Mr. Shelton, Chairman of the Standing Committee on Education, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Hanby and Copeland:

H. 1106. Relating to vocational trade schools; authorizing, directing, and requiring the state board of education to provide for the establishment, maintenance and operation of a trade school for negroes at Gadsden.

Mr. Dumas, Chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (St. Clair) et al:

H. 307. Relating to the manufacture or traffic in intoxicating liquor in dry counties; providing that the holding, owning, having in possession, or paying the tax for a liquor revenue stamp or stamps for the manufacture or traffic in intoxicating liquor issued under the laws of the United States shall be prima facie evidence of violation of the prohibition laws in effect in the county.

By Messrs. Bevill and Shumate:

H. 332. To amend the title and Section 1 of Act No. 221, H. 140 approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 531), an act relating to the power, authority and jurisdiction of courts pursuant to final judgment upon bail bonds or undertakings in all counties having populations of not less than 63,750 nor more than 72,750.

By Messrs. Shumate and Bevill:

H. 334. To amend further Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in all counties having populations of not less than 63,750 nor more than 72,750 and in all counties having populations of not less than 39,550 nor more than 40,350 inhabitants, according to the 1960 or any subsequent federal decennial census.

By Mr. Bailey et al:

H. 472. To prohibit any person from obtaining or attempting to obtain credit, goods, property or services by false or fraudulent use of credit cards or other false and fraudulent means; to prescribe penalties therefor; to define certain words and terms; to repeal conflicting laws; and for other purposes.

By Messrs. Smith (Russell), Jones (Monroe) and Goodwyn:

H. 635. To amend Section 18 of Title 19 of the Code of Alabama 1940, as heretofore amended, relating to the condemnation of land for public purposes and the procedure to be followed in such proceedings.

By Mr. Thomas et al:

H. 823. To authorize each of the several counties in this state to acquire properties suitable for use by any one or a combination of the following: (a) any industry for manufacturing, processing, or assembling any agricultural or manufactured product and (b) any commercial enterprise in storing, warehousing, distributing or selling products of agriculture, mining and industry; to authorize counties to lease such properties subject to certain specified requirements; to authorize counties to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; to provide that all such bonds shall be negotiable instruments; to authorize the refunding of any such bonds; to provide for remedies in the event of default respecting any bonds issued under the act; to exempt from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; to prohibit any county from making contributions to the cost of any such properties and from furnishing land therefor; to provide that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a county or a pecuniary liability of any kind; to provide that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; to provide the purposes for which the proceeds from the sale of such bonds may be used; to provide that no notice to or consent or approval by any governmental body or public officer shall be prerequisite to the issuance of such bonds or the securing thereof.

By Messrs. Roberts and Reynolds (Madison):

H. 1305. To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public library facilities for lease to the respective municipalities

in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a nonforeclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease; to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

By Messrs. Cornett and Smith (Russell):

H. 1420. Relating to the times for holding court in the Twenty-sixth Judicial Circuit, repealing Act No. 58, H. 83, Regular Session 1951 (Acts of Ala. 1950-1951, vol. I, p. 276).

Mr. Rutledge, Vice-Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Sessions et al (With Notice and Proof):

H. 1525. To provide for the establishment and administration of a General Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees and officers of said County; to provide for membership and benefits for present and future employees, excepting, and provided that no person shall be eligible who is a member of or receiving retirement benefits under the provisions

of that retirement system created by that certain Act of the Legislature No. 810, page No. 1411, General Acts of Alabama of 1951, approved September 11, 1951, or created by that certain Act of the Legislature No. 551, page No. 766, General Acts of Alabama of 1953, approved September 9, 1953, as amended by that certain Act of the Legislature No. 95, page No. 407, Second Special Session of the Legislature of Alabama of 1956, approved April 14, 1956.

By Mr. Sessions, et al:

H. 1404. To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, page 647, approved August 23, 1949, and as amended by Act No. 496, General Acts of Alabama of 1951, page 882, approved August 22, 1951.

By Mr. Hawkins, et al:

H. 1406. To apply in all counties in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain two unmarked or undesignated passenger automobiles for official use. Said cars to be serviced by the county and to provide for the payment and expenses of their upkeep; defining violations of the act and prescribing penalties therefor; and repealing act No. 529, H. 1098, approved November 19, 1959, (Acts of Alabama 1959, p. 1304).

By Mr. Sessions, et al:

H. 1407. To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

The above bill was read a second time at length as required by the Constitution.

By Mr. Rast, et al:

H. 1408. To amend Section 23 of Act No. 929 S. 676 approved September 12, 1951 (General Acts of Alabama, 1951, page 1579) entitled "An Act to create or provide in or for each and every city of the State

of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

By Mr. Brannan, et al (With Notice and Proof):

H. 1482. To permit any bank located in Baldwin County, Alabama, to establish in the municipal limits of Gulf Shores, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the State Superintendent of Banks.

By Mr. Brannan, et al (With Notice and Proof):

H. 1483. To alter or rearrange the boundary lines of the City of Fairhope, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama, and to provide that the property annexed to the City of Fairhope be exempted from all municipal ad valorem taxes until the following municipal services are rendered said area, to-wit:

Police protection, fire protection, City planning and zoning, garbage collection, gas and water service shall be rendered to the property owners and persons residing therein or made available to them.

And, to require the County of Baldwin to continue to maintain the streets and roads in such added territory until such time as the same is assessed for taxation by the City of Fairhope.

By Mr. Perry, et al:

H. 1492. Relating to the selection of textbooks for use in public schools in counties having populations of 600,000 or more; amending further Section 12 of Act No. 412, S. 261, Regular Session 1945, an act providing for the adoption, selection, purchase and distribution of textbooks (Gen. Acts 1945, p. 647).

By Mr. Hawkins, et al:

H. 1493. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent Census.

By Mr. Locke, et al:

H. 1494. To amend Act No. 530, H. 1096, Regular Session 1959, an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

By Mr. Sessions, et al (With Notice and Proof):

H. 1495. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

By Mr. Smith (St. Clair) (With Notice and Proof):

H. 1523. To regulate further the construction, operation and maintenance of public high schools in St. Clair County.

By Mr. Hankins (With Notice and Proof):

H. 1478. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue.

FURTHER CONSIDERATION OF RULES COMMITTEE REPORT

The Senate proceeded to further consideration of the Report of the Standing Committee on Rules. The question was on the motion by Mr. Dumas to recommit the Rules Committee report containing H.B. 244 to the Rules Committee.

MOTION IN WRITING

Mr. Turner offered the following Motion in Writing, to-wit:

"Substitute for the motion of the Senator from Jefferson.

I move that H.B. 244 be reconsidered by the Senate and repassed, the Governor's veto to the contrary notwithstanding.

/s/ Turner"

POINT OF ORDER

Mr. deGraffenried raised the Point of Order that the substitute motion by Mr. Turner was out of order.

The Chair sustained the Point of Order raised by Mr. deGraffenried.

APPEAL FROM RULING OF THE CHAIR

Mr. Turner appealed from the Ruling of The Chair and the Ruling of the Chair was not sustained by the Senate.

Yeas 22; Nays 9.

Yeas:

Messrs.:	Eddins	Jones	Samford	
Andrews	Farmer	Leonard	Shelton	
Barnett	Givhan	Moses	Turner	
Clark	Golson	Porter	Webb	
Cooper	Green	Robison	Wyatt	
Crawford	Hines	Rutledge		—22

Nays

Messrs.:	Caffey	Godfrey	Wilson	
Archer	deGraffenried	Haltom	Word	
Berryman	Dumas			—9

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill, and returns same herewith to the Senate:

S. 55. To authorize a program of medical assistance for persons 65 years of age and over not receiving old age pensions.

OAKLEY MELTON, JR.,
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the following House amendment to the Bill, S.B. 55, the title of which is set out in the foregoing Message from the House.

SUBSTITUTE FOR S. B. 55

A BILL

TO BE ENTITLED

AN ACT

To authorize a program of medical assistance for persons 65 years of age and over not receiving old age pensions.

Be It Enacted by the Legislature of Alabama:

Section 1. The State Department of Pensions and Security, in accordance with the authority vested in it by Act No. 703, Acts of Alabama 1951, as amended, is authorized to establish, in keeping with Title I of the Federal Social Security Act as amended, a medical assistance program for certain persons 65 years of age and over not receiving old age pensions. The Department of Pensions and Security shall be responsible for the administration of the program but may contract with another State agency or private organization in connection with this program.

Section 2. Medical assistance for persons 65 years of age and over not receiving old age pensions shall mean the same as the term is defined in the Federal Social Security Act as amended; provided that any

individual receiving medical assistance under this Act shall have full freedom of choice in selecting any provider of medical care and services, as defined in Title I of the Federal Social Security Act as amended, who is duly licensed to provide such care and services to the general public by a State licensing authority when such licensing is required and who qualifies and agrees to participate under this Act; provided further that all providers of such medical assistance to the aged electing to qualify to participate in the State plan under this Act shall have the opportunity to do so.

Section 3. The State Board of Pensions and Security, in conference with the Commissioner, shall determine from time to time the scope and kinds of medical assistance for the aged which the Department will administer. This determination shall be made with due regard to: (a) the amount of State and Federal funds available for this purpose; (b) the most pressing medical needs of the aged not receiving old age pensions but without sufficient income and resources to meet the costs of necessary medical services; and (c) the assurance that persons in similar circumstances will receive equitable treatment throughout the State.

Section 4. In keeping with Section 19 of Act No. 703, Acts of Alabama 1951, Regular Session, as amended, the Commissioner shall develop reasonable standards and rules of procedure for determining eligibility for medical assistance for the aged, including those necessary to comply with the Federal Social Security Act as amended. Such standards and rules shall prescribe safeguards which restrict the use or disclosure of information concerning applicants for and recipients of medical assistance for the aged to purposes directly connected with the administration of this Act.

Section 5. Medical assistance for the aged shall be payable under this Act on behalf of any needy person who has attained the age of 65 years, and who: (a) has made application therefor in the manner prescribed by the State Department of Pensions and Security; (b) has been certified by the appropriate medical profession to be in need of medical assistance under this Act; (c) has not sufficient income and resources (including insurance, workmen's compensation, etc.) to meet the cost of necessary medical services; (d) is a resident of the State; (e) has not directly or indirectly disposed of or deprived himself of any property for the purpose of qualifying for the benefits of this Act; and (f) is not receiving an old age pension.

Medical assistance for the aged shall be payable under this Act on behalf of any person who is a patient of an institution, public or private, where such payments are matchable under the provisions of the Federal Social Security Act as amended and where such institution conforms to the requirements of the Federal Social Security Act as amended and applicable statutes of Alabama. Medical assistance for the aged shall be payable under this Act on behalf of any person who needs non-institutional care and services for such care and services as provided under Title I of the Federal Social Security Act as amended.

Section 6. Eligibility for medical assistance for the aged shall be determined by the department of pensions and security either through procedures established in Act No. 703, Acts of Alabama 1951, Regular Session, as amended, or through such other procedures as the department shall develop.

Section 7. A hearing shall be provided any applicant for or recipient of

medical assistance for the aged as provided in Section 17 of Act No. 703, Acts of Alabama 1951, Regular Session, as amended.

Section 8. The penalty for false representation under this Act shall be the same as contained in Section 20 of Act No. 703, Acts of Alabama 1951, Regular Session, as amended.

Section 9. Any portion of this Act which shall come in conflict with the provisions of the Federal Social Security Act by reason of amendments of said Federal Social Security Act hereafter adopted shall, on certificate of the Attorney General that such conflict exists, be suspended in its operation until amendment thereof can be given consideration by the next legislative session.

Section 10. This Act shall become effective October 1, 1961.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Green	Rutledge	
Andrews	deGraffenried	Haltom	Samford	
Archer	Dumas	Hines	Turner	
Barnett	Eddins	Jones	Webb	
Berryman	Farmer	Moses	Wilson	
Caffey	Givhan	Porter	Word	
Clark	Godfrey	Robison	Wyatt	
Cooper	Golson			—29

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

S. 491. To make an appropriation of funds to finance a poultry and egg research program and to prescribe a method to establish and carry out such a program.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	deGraffenried	Haltom	Samford	
Andrews	Dumas	Hines	Shelton	
Archer	Eddins	Jones	Turner	
Barnett	Farmer	Kendall	Webb	
Berryman	Givhan	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter	Wyatt	
Crawford	Green	Robison		—30

Nays: —0

The Bill:

S. 149. To make an appropriation for the support of the Council of State Governments.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Turner	
Barnett	Farmer	Jones	Webb	
Berryman	Givhan	Kendall	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter		
Crawford	Graham			—28

Nays: —0

The Bill:

S. 151. To make an appropriation to the South's Regional Advisory Council on Nuclear Energy (RACNE) for the support and operation thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Rutledge	
Archer	Farmer	Hines	Samford	
Barnett	Givhan	Jones	Turner	
Berryman	Godfrey	Kendall	Webb	
Caffey	Golson	Moses	Wilson	
Crawford	Graham	Porter	Word	
deGraffenried				—28

Nays: —0

The Bill:

S. 408. To provide additional supernumerary circuit court reporters for the State of Alabama; prescribing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and making an appropriation to pay their salaries:

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Robison	
Andrews	Crawford	Haltom	Rutledge	
Archer	deGraffenried	Hines	Samford	
Barnett	Dumas	Jones	Turner	
Berryman	Eddins	Kendall	Webb	
Caffey	Farmer	Moses	Wilson	
Clark	Godfrey	Porter	Word	
				—27

Nays: —0

The Bill:

S. 328. To close, terminate and lapse the open-end appropriations made to the State Building Commission by Section 367, Title 55, and Section 15, Title 55, Alabama Code of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison	
Andrews	deGraffenried	Green	Rutledge	
Archer	Dumas	Haltom	Samford	
Barnett	Eddins	Hines	Turner	
Berryman	Farmer	Jones	Webb	
Caffey	Givhan	Kendall	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson			—29

Nays: —0

The Bill:

S. 345. To require the approval of the Building Commission as a condition to the effectiveness of certain contracts and to prohibit the Building Commission from making any contract for the acquisition or construction of any building or facility without a proper showing that funds are available for the completion thereof.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Caffey	Dumas	Godfrey
Archer	Clark	Eddins	Golson
Barnett	Cooper	Farmer	Graham
Berryman	deGraffenried	Givhan	Green

Haltom	Moses	Samford	Webb	
Hines	Robison	Shelton	Wilson	
Jones	Rutledge	Turner	Word	
Kendall				—28

Nays: —0

The Bill:

S. 4. To authorize and create an additional judge of the Eleventh Judicial Circuit, to be designated circuit judge number two and to provide for his appointment and election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other circuit judges of the State of Alabama, and to provide for and fix the salary of such judge.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nay 1.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Andrews	Dumas	Green	Rutledge	
Archer	Eddins	Haltom	Samford	
Barnett	Farmer	Hines	Turner	
Berryman	Givhan	Jones	Webb	
Caffey	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford				—28

Nay: Mr. Shelton —1

The Bill:

S. 441. To provide for an additional judgeship of the Tenth Judicial Circuit of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Porter	
Andrews	deGraffenried	Green	Robison	
Archer	Dumas	Haltom	Rutledge	
Barnett	Eddins	Hines	Samford	
Berryman	Farmer	Jones	Turner	
Caffey	Givhan	Kendall	Webb	
Cooper	Godfrey	Moses	Wilson	
				—27

Nays: —0

The Bill:

S. 84. To provide for continuous code revision and to appropriate funds for that purpose.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Porter	
Andrews	Crawford	Graham	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Barnett	Dumas	Hines	Webb	
Berryman	Farmer	Jones	Wilson	
Caffey	Givhan	Kendall	Word	
Clark	Godfrey	Moses		—26

Nays: —0

The Bill:

S. 341. To regulate expense allowances of circuit judges when ordered to hold court or perform official duties outside the respective circuits for which they are elected; amending Code of Alabama 1940, Title 13, Sections 179 and 181.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO SENATE BILL NO. 341

Senate Bill No. 341 is hereby amended by striking out that part of Section 1 which amends Section 179, of Title 13, Alabama Code of 1940, and inserting in lieu thereof the following:

"Section 179. Whenever any circuit judge or supernumerary circuit judge is ordered or required to attend and hold, or to assist in holding, any regular or special term of court or to transact other official business outside of the circuit for which he shall have been elected, or whenever upon the order of the Chief Justice of the Supreme Court, any such circuit or supernumerary circuit judge is required to attend any conference or meeting of circuit judges held outside of the circuit for which he shall have been elected, for the purpose of improving the judiciary of Alabama, such judge shall be allowed and paid his necessary expenses of travel to and from such place, and also a maintenance expense allowance of nine dollars per day while holding such court, or transacting other official business or attending such meeting. When such circuit judge or supernumerary circuit judge is ordered or required to attend and hold, or to assist in holding, court, the county in which such court is held shall pay to such judge an additional maintenance allowance of six dollars per day while holding court in such county. The claim of such judge against the county in which he holds or assists in holding court shall be approved by the clerk of the circuit court in such county and shall be filed with the governing body of the court for audit, approval, allowance and payment in the same manner as other claims against the county are audited, allowed, approved and paid."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Robison	
Andrews	Crawford	Haltom	Rutledge	
Archer	deGraffenried	Hines	Samford	
Barnett	Dumas	Kendall	Webb	
Berryman	Eddins	Moses	Wilson	
Caffey	Farmer	Porter	Word	
Clark	Godfrey			—25

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Jones	Samford	
Andrews	Dumas	Kendall	Shelton	
Archer	Eddins	Moses	Turner	
Berryman	Farmer	Porter	Webb	
Caffey	Golson	Robison	Wilson	
Clark	Graham	Rutledge	Word	
Crawford	Haltom			—25

Nays: —0

The Bill:

S. 200. To provide a family court in and for Madison County for the trial or other disposition of cases and proceedings involving children, marriage, divorce and alimony, desertion and nonsupport, and other domestic or family relations, by establishing a family relations division of the circuit court and providing for an additional circuit judge and other officers and personnel for the administration of such court division.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO S.B. 200

Amend Section 5(a) as follows:

Insert the figure $1,200.00 in the blank space provided for the salary provided for the deputy register.

Amend Section 5(b) as follows:

Insert the figure $2,400.00 in the blank space provided for the salary

provided for the bailiff.

Amend S.B. 200 by deleting the first page in its entirety and substituting therefor the following:

A BILL

TO BE ENTITLED

AN ACT

To provide a family court in and for Madison County for the trial or other disposition of cases and proceedings involving children, marriage, divorce and alimony, desertion and nonsupport, and other domestic or family relations, by establishing a family relations division of the circuit court and providing for an additional circuit judge and other officers and personnel for the administration of such court division.

Be It Enacted by the Legislature of Alabama:

Section 1. A family relations division of the circuit court in and for Madison County shall be established as herein provided. The division shall be designated and known as "The Family Court." This division of the court shall, as its primary function, handle all cases and proceedings in such county involving divorces, annulments of marriages, custody and support of children, granting and enforcement of alimony, proceedings under the Reciprocal Non-Support Act, and all other domestic and marital matters over which the circuit courts have jurisdiction. The division and the judge thereof shall also have and exercise original and exclusive jurisdiction over juveniles for the purposes above declared, and for the enforcement of Chapter 7, Title 13, Code of Alabama, and non-support cases arising in the county under Title 34, Code of Alabama, and amendments and additions thereto. For the purpose of this Act, a juvenile is defined as any boy or girl who has not reached his or her eighteenth birthday. All cases and proceedings involving domestic and marital matters which originate in the circuit court shall be assigned to the family relations division; however, if the docket of the division is overcrowded, a portion of such cases may be reassigned by the presiding judge of the circuit to other judges of said court.

Section 2. After this Act takes effect, there shall be an additional circuit judgeship in Madison County and an additional circuit judge shall be elected to preside over the family relations division of the circuit court of said county. The Governor shall appoint some qualified person to fill the vacancy until the next general election for any state officers and until his successor is elected and qualified. At the next general election for any state officer held after this Act becomes law, a circuit judge shall be elected to fill the additional judgeship hereby created. The judge so elected shall hold office until the next general election for circuit judges. At the first general election for circuit judges held after the election of the first judge to fill the judgeship hereby created, and every six years thereafter, a judge shall be elected to fill such judgeship at the same election that other circuit judges are elected, and such judge shall hold office for the same term as other circuit judges.

Section 3. The judge of the family relations division of the circuit court of such county shall take the same oath of office, shall have and exercise all the jurisdiction, powers, rights, and authority, and possess

all of the qualifications, perform all of the duties, and be subject to the obligations and penalties that other circuit judges may have, exercise, perform and be subject to; provided, his primary duty shall be to try or otherwise dispose of cases and proceedings instituted or pending in the family relations division of the circuit court.

Section 4. The judge of the family relations division of the circuit court of Madison County shall be paid by the State of Alabama the same salary and in like manner as are other circuit judges in the county. The county shall supplement the salary of the judge of the family relations division of the circuit court in the same amount and in like manner as it supplements the salaries of other circuit judges of the county."

Which was adopted.

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Porter	
Andrews	Dumas	Green	Robison	
Archer	Eddins	Haltom	Samford	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Jones	Webb	
Clark	Godfrey	Kendall	Wilson	
Cooper	Golson	Moses	Word	
Crawford				—28

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Rutledge	
Archer	Eddins	Hines	Samford	
Barnett	Farmer	Jones	Turner	
Berryman	Givhan	Kendall	Webb	
Caffey	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham			—29

Nays: —0

The Bill:

S. 424. For the relief of A. B. Legg and Sons Burial Insurance Company, Inc.

was taken up.

Mr. Rutledge offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 424

A BILL

TO BE ENTITLED

AN ACT

For the relief of A. B. Legg and Sons Burial Insurance Company, Inc.

WHEREAS, A. B. Legg and Sons Burial Insurance Company, Inc., has not actually been engaged in business since April 1958, when it disposed of much of its real estate in the transaction by which it sold its burial insurance business to Fidelity Insurance Company of Birmingham, but the corporation has not been dissolved and is not now insolvent since it still owns a small amount of property;

WHEREAS, a bookkeeper for A. B. Legg and Sons Burial Insurance Company, Inc. filed with the state department of revenue a return for taxes on the capital shares of the company for each of the tax years 1959 and 1960, based on an erroneous balance sheet and profit and loss statement not reflecting the above mentioned sale of real estate; the department of revenue fixed the value of the shares of said corporation for the tax year 1959 at $187,560 and made a final assessment of taxes for that year in the amount of $6,283.26 against such company, and for the tax year 1960 such department fixed the value of the shares of said corporation at $212,180 and made a final assessment of taxes for that year in the amount of $7,108.03 against such company and both of such assessments were based on this erroneous balance sheet and profit and loss statement; and A. B. Legg and Sons Burial Insurance Company, Inc., has paid the taxes assesed against it for the tax years 1959 and 1960, but such corporation was not able to pay the taxes for the 1960 tax year until interest in the amount of $226.63 had accrued thereon and been added to the amount originally assessed against such corporation, hence the A. B. Legg and Sons Burial Insurance Company, Inc. has, in fact, paid by way of taxes, penalties and interest for the 1959 tax year the sum of $6,283.26 and for the 1960 tax year the sum of $7,334.66;

WHEREAS, it was not until an audit of the books and records of said company made by a reputable certified public accountant early in 1961 disclosed this error in the tax return made for the company for the tax years 1959 and 1960, that the share owners of the A. B. Legg and Sons Burial Insurance Company, Inc., were aware of the error and at that time it was too late to protest the assessment and request the department of revenue to revalue the shares;

WHEREAS, had the returns submitted for the 1959 and 1960 tax years been accompanied by a correct balance sheet and profit and loss statement, based on information revealed by the above mentioned audit, the shares assessment of the company for the 1959 tax year should have been fixed at $24,960, and on this assessment valuation at the then current tax rate the taxes due by that company for the 1959 tax year would have been only $836.16, and the shares assessment of the company for the 1960 tax year should have been fixed at $26,540, and on this assessed valuation at the then current tax rate the taxes due by the company for the 1960 tax year would have been only $889.09; and

WHEREAS, in view of the above stated facts the A. B. Legg and Sons Burial Insurance Company, Inc., has paid $11,892.67 by way of taxes,

penalties, and interest which it did not in justice and fairness owe; now, therefore,

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of eleven thousand eight hundred ninety-two dollars and sixty-seven cents ($11,892.67) is hereby appropriated out of any funds in the state treasury not otherwise appropriated for the relief of A. B. Legg and Sons Burial Insurance Company, Inc. of Jasper, Alabama, in order to refund to such company the overpayment of taxes, penalties, and interest made by such company for the 1959 and 1960 tax years, for which such company has a moral claim, but no recourse at law for the collection thereof.

Section 2. The state comptroller is hereby authorized and directed to draw his warrant on the state treasury in favor of A. B. Legg and Sons Burial Insurance Company, Inc.; and the state treasurer is hereby authorized and directed to pay such warrant.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 24; Nay 1.

Yeas:

Messrs.:	Dumas	Haltom	Robison
Archer	Eddins	Hines	Rutledge
Barnett	Farmer	Jones	Turner
Clark	Givhan	Kendall	Webb
Cooper	Godfrey	Moses	Wilson
Crawford	Green	Porter	Word
deGraffenried			—24

Nay: Mr. Shelton —1

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Porter
Andrews	deGraffenried	Green	Robison
Barnett	Eddins	Haltom	Samford
Berryman	Farmer	Jones	Turner
Caffey	Givhan	Kendall	Webb
Clark	Godfrey	Leonard	Wilson
Cooper	Golson	Moses	Word
			—27

Nays: —0

The Bill:

S. 401. To provide for the relief of Jack Coggins, of Jefferson County, by making an appropriation to him from the state treasury.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 30; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison	
Andrews	deGraffenried	Green	Rutledge	
Archer	Dumas	Haltom	Samford	
Barnett	Eddins	Hines	Shelton	
Berryman	Farmer	Jones	Webb	
Caffey	Givhan	Kendall	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter		—30

Nays: —0

The Bill:

S. 270. To amend further Code of Alabama 1940, Title 17, Section 198, which relates to pay of election officers.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Leonard	
Andrews	deGraffenried	Green	Robison	
Barnett	Eddins	Haltom	Samford	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Jones	Wilson	
Clark	Godfrey	Kendall	Wyatt	
Cooper	Golson			—25

Nays: —0

The Bill:

S. 422. To make an appropriation to the use of the extension service of Auburn University for the purpose of financing a rural resource development program.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 422

A BILL

TO BE ENTITLED

AN ACT

To make an appropriation to the use of the extension service of Auburn University for the purpose of financing a rural resource development program.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of $500,000.00, or so much thereof as may be necessary, is hereby appropriated from any funds in the state General Fund that may be in excess of an unencumbered balance of One Million Five Hundred Thousand dollars ($1,500,000.00) on September 30, 1962, conditional upon the approval of the Governor. The appropriation herein made for the fiscal year ending September 30, 1963, shall be spent under the direction of the board of trustees of Auburn University through its extension service and shall be allocated as follows: For salaries, $366,450; for travel, $70,800; for communications, equipment, maintenance and other expenses, $62,750. The appropriation shall be paid out by request to the Comptroller made in the manner prescribed by law for the payment of other appropriations to the use of Auburn University.

Section 2. This Act shall take effect October 1, 1961.

On motion of Mr. Crawford, the Committee substitute was laid on the table.

Mr. Crawford then offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 422

A BILL

TO BE ENTITLED

AN ACT

To make an appropriation to the use of the extension service of Auburn University for the purpose of financing a rural resource development program.

Be It Enacted by the Legislature of Alabama:

Section 1. The sum of $200,000, or so much thereof as may be necessary, is hereby appropriated from any funds in the state General Fund that may be in excess of an unencumbered balance of One Million Five Hundred Thousand Dollars ($1,500,000.00) on September 30, 1962, conditional upon the approval of the Governor. The appropriation herein made for the fiscal year ending September 30, 1963, shall be spent under the direction of the board of trustees of Auburn University through its extension service and shall be allocated as follows: For salaries, $178,000; for other expenses, $22,000. The appropriation shall be paid out by request to the Comptroller made in the manner prescribed by law for the payment of other appropriations to the use of Auburn University.

Section 2. This Act shall take effect October 1, 1961.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Rutledge	
Andrews	deGraffenried	Haltom	Samford	
Archer	Dumas	Hines	Shelton	
Barnett	Eddins	Jones	Webb	
Caffey	Farmer	Kendall	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Robison	Wyatt	
				—27

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Moses	
Andrews	deGraffenried	Green	Porter	
Archer	Dumas	Haltom	Robison	
Barnett	Eddins	Hines	Samford	
Berryman	Farmer	Jones	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wyatt	
Cooper	Golson			—29

Nays: —0

The Bill:

S. 41. To amend Section 6, Title 27, Code of Alabama 1940, as amended, which relates to adoption by stepfather or stepmother.

was taken up.

Mr. deGraffenried offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 41

A BILL

TO BE ENTITLED

AN ACT

To amend Section 6, Title 27, Code of Alabama 1940, as amended, which relates to adoption by stepfather or stepmother by extending the same procedures to other close relatives.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 6, Title 27, Code of Alabama 1940, is hereby further amended to read as follows:

"Section 6. Adoption by stepfather or stepmother or closely related persons.—Where a man marries the mother of a minor child or children, or a woman marries the father of a minor child or children, and they reside together in one domicile, he or she may petition the probate court of his or her county of residence for leave to adopt such minor child or children and if desired, for a change of the name or names of such minor child or children, but no such adoption shall be permitted without the consent of the natural parent or parents having custody of said child or children. The same procedure shall be followed as in adopting a child other than a stepchild, except that if the report of its findings by the state department of pensions and security to the court reveals the fact that the said child or children has resided in the home of the stepparent for a period of one year or more, the court may, within its discretion, if it appears that the adoption is likely to be successful and is for the best interests of the child or children, immediately enter the final order of adoption, which decree of adoption shall not deprive the natural parent, who resides in the same domicile with the petitioner, of any of the legal rights and obligations due from them to the child or from the child to them. A grandfather, a grandmother, a brother, a sister, an aunt or an uncle and their spouses, if there be any, may petition the probate court of his or her county of residence for leave to adopt a minor grandchild, a minor brother, a minor sister, a minor nephew or a minor niece, and if desired, for a change of the name or names of such minor child or children, but no such adoption shall be permitted without the consent of the natural parent or parents except as provided in Section 3 of Title 27, Code of Alabama 1940. The same procedure shall be followed as in adopting a child other than a child of the degree of relationship described above, except that if the report of its findings by the state department of pensions and security to the court reveals the fact that the said child or children has or have resided in the home of the grandfather, grandmother, brother, sister, aunt or uncle, and their spouses, if there be any, for a period of one year or more, the court may, within its discretion, if it appears that the adoption is likely to be successful and is for the best interests of the child or children, immediately enter the final order of adoption."

Section 2. All other laws or parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 2(a). The provisions of this Act shall apply to all adoption petitions now pending and all filed hereafter.

Section 3. The provisions of this Act are severable. If any part is held invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provisions.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Porter
Andrews	deGraffenried	Haltom	Robison
Archer	Dumas	Hines	Samford
Barnett	Eddins	Jones	Webb
Berryman	Farmer	Kendall	Wilson
Caffey	Givhan	Leonard	Word
Clark	Godfrey	Moses	Wyatt

—27

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Moses
Andrews	deGraffenried	Green	Robison
Archer	Dumas	Haltom	Samford
Barnett	Eddins	Hines	Turner
Berryman	Farmer	Jones	Webb
Caffey	Givhan	Kendall	Word
Clark	Godfrey	Leonard	Wyatt
Cooper	Golson		

—29

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Shelton, further consideration of Senate Bills 266 and 268 was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 37. To amend Section 4, Title 27, Code of Alabama 1940, which relates to decree, revocation of order, annulments, reports pertaining to adoption of children.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	Clark	Farmer	Green
Andrews	Crawford	Givhan	Haltom
Archer	deGraffenried	Godfrey	Hines
Barnett	Dumas	Golson	Jones
Caffey	Eddins	Graham	Leonard

Robison	Turner	Wilson	Wyatt	
Samford	Webb			—25

Nays: —0

The Bill:

S. 38. To amend Section 9, Title 27, Code of Alabama 1940, relating to inheritance of a child adopted under laws of a foreign state.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison	
Andrews	deGraffenried	Green	Samford	
Archer	Eddins	Haltom	Turner	
Berryman	Farmer	Hines	Webb	
Caffey	Givhan	Jones	Wilson	
Clark	Godfrey	Leonard	Wyatt	
Cooper	Golson			—25

Nays: —0

The Bill:

S. 47. To amend Section 92, Title 49, Code of Alabama 1940, which relates to license from the department of pensions and security.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Leonard	
Andrews	Crawford	Graham	Robison	
Archer	deGraffenried	Green	Samford	
Barnett	Eddins	Haltom	Turner	
Berryman	Farmer	Hines	Webb	
Caffey	Givhan	Jones	Wilson	
Clark	Godfrey	Kendall	Wyatt	
				—27

Nays: —0

The Bill:

S. 48. To transfer Section 75, Title 49, Code of Alabama 1940, which relates to how a child may be sent out of the state to Title 27 as Section 9b.

Was read a third time at length and passed, and ordered sent forth-

with to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Rutledge
Andrews	deGraffenried	Green	Samford
Archer	Eddins	Haltom	Turner
Barnett	Farmer	Hines	Webb
Caffey	Givhan	Jones	Wilson
Clark	Godfrey	Leonard	Word
Cooper	Golson	Robison	Wyatt

—27

Nays: —0

The Bill:

S. 49. To amend Section 66 of Title 49, Code of Alabama 1940, which relates to the authority of the state department of pensions and security to issue licenses to child-caring institutions and agencies.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Haltom	Robison
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Turner
Caffey	Givhan	Kendall	Webb
Clark	Godfrey	Leonard	Wilson
Cooper	Golson	Moses	Word
Crawford	Green		

—25

Nays: —0

The Bill:

S. 51. To provide for the licensing of day care facilities for children; to define the term "day care facilities for children;" to provide that reasonable standards for such day care facilities shall be established by the State Board of Pensions and Security; to authorize the State Department of Pensions and Security to grant annual licenses pursuant to these standards; to require the keeping of certain records by the operators of day care facilities; to authorize the revocation of any license issued; and to prescribe penalties for violation of this Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Porter	
Archer	Dumas	Green	Robison	
Barnett	Eddins	Haltom	Samford	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper	Golson	Moses	Word	
Crawford				—28

Nays: —0

The Bill:

S. 52. To amend Section 1 of Act No. 321 of the 1951 Legislature entitled "An Act to provide for the reporting and recording of the names and addresses of persons receiving public assistance in each county and of the amounts received by them and the names, addresses and salaries of all employees of the county board of public welfare and the county department of public welfare; to make it unlawful to use such information for any purpose not directly connected with the administration of public assistance; and prescribing penalties for violations of the Act."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Archer	Eddins	Haltom	Samford	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper	Golson	Moses	Word	
Crawford	Graham			—25

Nays: —0

The Bill:

S. 326. To propose an amendment to the Constitution of Alabama relating to revenue securities issued by or on behalf of any State school or institution of learning.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Barnett	Clark	deGraffenried
Andrews	Berryman	Cooper	Dumas
Archer	Caffey	Crawford	Givhan

Godfrey	Hines	Moses	Turner	
Golson	Jones	Porter	Webb	
Graham	Kendall	Robison	Wilson	
Green	Leonard	Shelton	Word	
Haltom				—28

Nays: —0

The Bill:

S. 63. To permit the State Geologist and the Assistant State Geologist to teach courses at the University of Alabama which are related to the study of geology. To regulate the time during which such teaching shall be permitted and to provide compensation for same. To provide from what funds such compensation shall be paid and the conditions under which it shall be paid. To permit faculty members and students of any institution of higher learning in the State of Alabama to do research and other related work for the State Geological Survey or the State Oil and Gas Board. To limit the time during which such research work may be conducted. To provide compensation for such work, the funds from which same shall be paid and the conditions and regulations under which such research work may be done. To provide an effective date for this act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nay 1.

Yeas:

Messrs.:	Crawford	Hines	Samford	
Andrews	deGraffenried	Jones	Shelton	
Barnett	Dumas	Kendall	Turner	
Berryman	Givhan	Moses	Webb	
Caffey	Godfrey	Porter	Wilson	
Clark	Golson	Robison	Word	
Cooper	Graham			—25

Nay: Mr. Eddins —1

The Bill:

S. 95. To amend the act approved August 19, 1949, relating to absentee voting (Act No. 424, H. 351, 1949 Acts 601).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 26; Nays 0.

Yeas:

Messrs.:	Caffey	deGraffenried	Givhan
Andrews	Clark	Dumas	Godfrey
Archer	Cooper	Eddins	Golson
Berryman	Crawford	Farmer	Graham

Green	Kendall	Shelton	Wilson	
Haltom	Leonard	Turner	Word	
Hines	Robison	Webb		—26

Nays: —0

The Bill:

S. 292. To provide that bonds issued by the Tennessee Valley Authority shall constitute legal investments for fiduciaries, savings banks and insurance companies, and may be used as security for deposits of public funds.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

AMENDMENT TO SENATE BILL 292

After the words "1933, as amended," in the third line of Section 1 insert the words "or as the same may be hereinafter amended,"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Samford	
Andrews	deGraffenried	Green	Shelton	
Barnett	Dumas	Haltom	Turner	
Berryman	Givhan	Hines	Webb	
Caffey	Godfrey	Porter	Wilson	
Clark	Golson	Robison	Word	
Cooper				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Samford	
Andrews	Eddins	Hines	Shelton	
Berryman	Givnan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Cooper	Golson	Moses	Wilson	
Crawford	Graham	Porter	Word	
deGraffenried	Green	Robison		—26

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. deGraffenried, further consideration of the Bills, S.B.'s 62 and 42, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

S. 97. To amend Section 428 of Title 13, Code of Alabama 1940, which relates to appeals from convictions in justice of the peace courts and courts of like jurisdiction.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Archer	Dumas	Green	Samford	
Barnett	Eddins	Haltom	Shelton	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper	Golson	Porter	Word	
Crawford				—28

Nays: —0

The Bill:

S. 101. To amend the act approved July 9, 1945, relating to the duty to stop in event of a vehicle accident resulting in injury to a person or another vehicle or the death of a person (Act No. 427, H. 316, 1945 Acts 670).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nays 0.

Yeas:

Messrs.:	Crawford	Green	Samford	
Andrews	deGraffenried	Haltom	Shelton	
Archer	Dumas	Hines	Turner	
Barnett	Farmer	Kendall	Webb	
Berryman	Godfrey	Leonard	Wilson	
Caffey	Golson	Porter	Word	
Clark	Graham	Robison	Wyatt	
Cooper				—28

Nays: —0

The Bill:

S. 180. To amend further Section 213 of Title 13, Code of Alabama 1940, to require registers of the circuit courts to notify the chief justice of the supreme court that the judge of circuit court will not attend or hold the next session.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison	
Andrews	deGraffenried	Green	Samford	
Archer	Dumas	Haltom	Shelton	
Barnett	Eddins	Kendall	Turner	
Berryman	Farmer	Leonard	Wilson	
Caffey	Givhan	Moses	Word	
Clark	Godfrey	Porter	Wyatt	
Cooper	Golson			—29

Nays: 0

The Bill:

S. 181. To amend further Section 198 of Title 13, Code of Alabama 1940, in relation to the duties of circuit clerks.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 29; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Samford	
Archer	Dumas	Haltom	Shelton	
Barnett	Eddins	Kendall	Turner	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses	Wilson	
Clark	Godfrey	Porter	Word	
Cooper	Golson	Robison	Wyatt	
Crawford	Graham			—29

Nays: —0

The Bill:

S. 367. To amend Section 342 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to provide that any undertaking which a municipality is authorized to acquire, construct, reconstruct, improve, better or extend under the provision of said section may be leased by the said municipality to any agency or department of the State of Alabama; and so as to authorize any municipality to charge and contract for and collect rentals for any undertaking or part thereof that may be so leased by the municipality.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nay 1.

Yeas:

Messrs.:	Crawford	Godfrey	Porter
Andrews	deGraffenried	Graham	Robison
Archer	Dumas	Haltom	Samford
Berryman	Eddins	Hines	Turner
Caffey	Farmer	Kendall	Wilson
Cooper	Givhan	Leonard	Wyatt

—23

Nay: Mr. Shelton —1

The Bill:

S. 368. To amend Section 470 of Title 37 of the Code of Alabama of 1940 so as to clarify the provisions of the said section with respect to the powers of municipalities to own, construct, maintain and lease buildings and other improvements on and near wharves and wharf sites and so as to change the period of time for which leases may be made under said section.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 25; Nay 1.

Yeas:

Messrs.:	Cooper	Godfrey	Porter
Andrews	Crawford	Golson	Robison
Archer	deGraffenried	Green	Samford
Barnett	Dumas	Hines	Turner
Berryman	Eddins	Kendall	Webb
Caffey	Farmer	Moses	Wyatt
Clark	Givhan		

—25

Nay: Mr. Shelton —1

The Bill:

S. 287. To define Business Trusts and to provide that the beneficiaries of such trusts shall not be liable for the debts, obligations, acts or omissions of such trusts or the trustees thereof, and to exempt such trusts from the rule against perpetuities.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR SENATE BILL 287

A BILL

TO BE ENTITLED

AN ACT

To define and provide for the establishment of Business Trusts; To set out the powers and liabilities of Trustees thereof; To set out the rights and liabilities of the holders of the beneficial interest therein; To set out what provisions may be included in the Declaration of Trust and where same shall be recorded; To provide how Business Trusts may be sued, and how taxed.

Be It Enacted by the Legislature of Alabama:

Section 1. Definition.—A business trust is an express trust created by a written Declaration of Trust whereby property is conveyed to one or more Trustees, who hold and manage same for the benefit and profit of such persons as may be or become, the holders of transferrable certificates evidencing the beneficial interest in the trust estate.

Section 2. How Established.—A business trust may be established by a Declaration of Trust, duly executed by one or more Trustees, for any lawful purpose including, but not limited to, acquiring, managing, improving, leasing, dealing in, selling, or otherwise alienating, mortgaging, or otherwise incumbering, real and personal property of all kinds and descriptions, including dealing in, purchasing, holding, selling and exchanging stocks, bonds, mortgages, deeds of trust and other securities of all kinds and descriptions; receiving the income, dividends, rents, profits and returns therefrom, and investing same or distributing same to the beneficial owners of the trust in accordance with the terms of the Declaration of Trust.

Section 3. Powers and Liabilities of Trustees. —The Trustees shall hold the legal title to all property at any time belonging to the Business Trust. They shall have control over such property as well as the control and management of the business and affairs of the Business Trust. Liability to third persons for any act, omission or obligation of a Trustee of a Business Trust, when acting in such capacity, shall extend to the whole of the trust estate, or so much thereof as may be necessary to discharge such obligation, but no Trustee shall be personally liable for any such act, omission or obligation. The trustees shall have such powers as to the investment of the trust estate as may be set out in the Declaration of Trust without regard to the type of investments to which Trustees generally are restricted by the provisions of Sections 47 through 55 of Title 58, of the Code of Alabama of 1940, as amended, or otherwise.

Section 4. Beneficial Owners—Certificates of Ownership—Liability. The beneficial ownership in a business trust shall be evidenced by certificates issued by the Trustees. These certificates shall be transferable in the same manner as stock certificates of a corporation are transferrable. No assessment shall be made against the interest of any beneficial owner and no beneficial owner shall be personally liable for any debts or liabilities incurred by the Trustees or by the Business Trust.

Section 5. Declaration of Trust—Contents—Recording.—The written Declaration of Trust may provide for the election of successor trustees in the event of death, resignation and removal of a trustee and may provide for the amendment of said Declaration of Trust. The Declaration of Trust may also contain such other provisions regarding the operation and administration of the business trust as may be necessary or desirable.

The Declaration of Trust shall be recorded in the Office of the Judge of Probate in the County in which its principal place of business is located, and a recording charge of $15.00 shall be paid therefor, which shall be in lieu of all other recording charges.

Section 6. Duration of Business Trust—Rule Against Perpetuities and Restraint of Alienation not Violated. —A Business Trust shall not be deemed invalid as violating the rule against perpetuities or the law against suspension of the powers of alienation. Such trust may continue for such time as may be necessary to accomplish the purposes for which it may be created, provided the Declaration of Trust contains a provision that such trust may be terminated at any time by action of the trustees or by the vote of a specified percentage in interest of the beneficial owners thereof as set forth in the Declaration of Trust.

Section 7. How Business Trust Sued. —A business trust may be sued for debts and other obligations incurred by the Trustees in the performance of their duties under the Declaration of Trust, and for any damages resulting from the negligence of such Trustees and its property shall be subject to attachment and execution in like manner as if it were a corporation.

Section 8. How Income of Trust Taxed. —The income of a Business Trust shall be taxed as property held in trust in accordance with the provisions of Section 392 of Title 51 Code of Alabama of 1940 as amended.

Section 9. This Act shall not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of the Act.

Section 10. All laws or parts of laws which conflicts with this Act are repealed.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Porter	
Andrews	Crawford	Graham	Robison	
Archer	deGraffenried	Green	Samford	
Barnett	Eddins	Haltom	Turner	
Berryman	Farmer	Kendall	Word	
Caffey	Givhan	Leonard	Wyatt	
Clark	Godfrey	Moses		—26

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Robison
Andrews	Crawford	Graham	Samford
Archer	deGraffenried	Green	Shelton
Barnett	Eddins	Hines	Webb
Berryman	Farmer	Kendall	Wilson
Caffey	Givhan	Leonard	Word
Clark	Godfrey	Moses	Wyatt

—27

Nays: —0

The Bill:

S. 369. To amend Section 344 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the sale of bonds by a municipality with respect to an undertaking that is leased or is to be leased by the municipality to an agency or department of the State of Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 28; Nay 1.

Yeas:

Messrs.:	Crawford	Green	Robison
Andrews	Eddins	Haltom	Samford
Archer	Farmer	Hines	Shelton
Barnett	Givhan	Kendall	Turner
Berryman	Godfrey	Leonard	Wilson
Caffey	Golson	Moses	Word
Clark	Graham	Porter	Wyatt
Cooper			

—28

Nay: Mr. Dumas —1

The Bill:

S. 340. To regulate the operation of motor vehicles by certain handicapped persons; to amend further Section 64. Title 36, Code of Alabama 1940, so as to provide for the issuance of instruction permits and learners permits to such persons; to amend Section 1 (a) of Act No. 876, H. 53, approved September 12, 1951, entitled "An Act To provide for the issuance of restricted drivers' licenses" (Acts of Alabama 1951, Vol. II, page 1514) so as to provide for additional restrictions on drivers' licenses issued to such handicapped persons and specifically to authorize the director of public safety to require certain handicapped persons when operating a motor vehicle to be accompanied by a licensed driver who is actually occupying a seat beside the driver.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison
Archer	Dumas	Haltom	Samford
Barnett	Farmer	Hines	Shelton
Berryman	Gaither	Kendall	Turner
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Word
Crawford	Golson	Porter	Wyatt

—27

Nays: —0

The Bill:

S. 98. To provide for and regulate salaries payable to certain state officers and employees in state service, amending Code 1940, Title 41, Section 152, and repealing conflicting laws.

was taken up.

Mr. Kendall offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 98

A BILL

TO BE ENTITLED

AN ACT

To amend further Title 41, Section 152, Code of Alabama 1940, in relation to maximum salaries or compensation payable to officers and employees of the State of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. That Title 41, Section 152, Code of Alabama 1940, as amended, be and the same is hereby further amended to read as follows:

"Section 152. When not fixed by law or provided for in the pay plan of the Merit System, the Governor is authorized to fix or approve salaries or compensation of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the Merit System for unclassified positions in the State service, shall be fixed or approved in excess of nine thousand dollars ($9,000.00) per annum, unless a different maximum is fixed by law. The State Personnel Board may provide in the pay plan for officers and employees in the classified service of the State, other than physicians employed by the State Health Department whose salaries are fixed in accordance with Section 9 of Title 22 of this Code, as amended, a maximum salary or compensation not exceeding ten thousand ($10,000.00) per annum, any law now applying to the salary or compensation of specific officers or employees to the contrary notwithstanding, and provided further where the salary or compensation of any officer or employee in the exempt service is now fixed by law at a lesser amount, the appointing authority (as defined in the Merit System Law) may fix

the salary or compensation at an amount not exceeding the maximum salary of officers and employees in the classified service."

Section 2. That all laws and parts of laws in conflict with the provisions of this Act be and the same are hereby repealed.

Section 3. That this Act shall become effective immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 26; Nays 2.

Yeas:

Messrs.:	Crawford	Golson	Robison	
Andrews	deGraffenried	Graham	Samford	
Archer	Dumas	Haltom	Turner	
Barnett	Eddins	Hines	Webb	
Berryman	Farmer	Kendall	Wilson	
Clark	Givhan	Leonard	Wyatt	
Cooper	Godfrey	Moses		—26

Nays:

Messrs.:	Shelton	Word	—2

And said Bill, as thus amended by the substitute, was then read a third time at length and passed and ordered sent forthwith to the House without engrossment.

Yeas 27; Nay 1.

Yeas:

Messrs.:	Cooper	Graham	Porter	
Andrews	deGraffenried	Green	Robison	
Archer	Dumas	Haltom	Samford	
Barnett	Eddins	Hines	Turner	
Berryman	Farmer	Kendall	Webb	
Caffey	Godfrey	Leonard	Wilson	
Clark	Golson	Moses	Word	
				—27

Nay: Mr. Shelton —1

The Bill:

S. 284. To amend further Act No. 515, H. 93, Regular Session 1945, the act which established the Employees' Retirement System of Alabama (General Acts 1945, p. 734).

was taken up.

The Standing Committee on Finance and Taxation reported the fol-

lowing substitute for the Bill, to-wit:

SUBSTITUTE FOR SENATE BILL 284

A BILL

TO BE ENTITLED

AN ACT

To amend Section 5 of Act No. 515, 1945 Acts of Alabama, p. 734, approved July 9, 1945, as amended, entitled "An Act To establish an employees' retirement system; to determine membership and conditions of membership in said system; to provide for a board of control of said system and for the administration of its affairs; to provide for officers and a medical board and to define their duties; to provide for the adoption of mortality, service and other actuarial tables as may be deemed necessary; to provide for the management of the funds of the said system; to provide a method of financing said system; and to provide an appropriation to carry out the provisions of the Act."

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 5 of Act No. 515, 1945 Acts of Alabama, p. 734, approved July 9, 1945, as amended, be and the same is hereby amended so as to read as follows:

"Section 5. (1) Service retirement benefit. (a) Any member who withdraws from service upon or after attainment of age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof he desires to be retired. Provided further that a member employed as a state policeman shall be eligible to file application for service retirement upon attaining age fifty-six. (b) Any member who has attained age sixty may retire upon written application to the board of control setting forth at what time, not less than thirty days nor more than ninety days subsequent to the execution and filing thereof, he desires to be retired, provided that said member at the time so specified for his retirement shall have twenty-five or more years of creditable service. (c) Any member in service who has attained age seventy, or in the case of law enforcement personnel of the department of conservation who have attained age sixty-five, shall be retired forthwith; provided, that any member who is an official appointed for a term of years may remain in service until the end of the term of office for which he was appointed. Any member in service who has attained age seventy who is an officer or employee of the legislature shall not be compelled to retire at age seventy, but may continue in service until his retirement is ordered by the house of which he is an officer or employee; and that house shall be the sole judge of his qualifications to continue in such service. Nothing in this Act shall require the dismissal of any person seventy years old or over, who fails to join the retirement system within the time specified in this chapter, if such person was in the employ of the State on June 1, 1945. (d) Notwithstanding the provisions of this section to the contrary, any member employed as a state policeman who has attained age sixty shall be retired forthwith; provided, that any member employed as a state policeman who attains age sixty may be continued in the state service from year to year on application of said employee approved by the personnel board, if evidence of physical or

mental fitness to carry out his duties is furnished. (2) Allowance for service retirement. Upon retirement from service a member shall receive a service retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, except that in the case of a state policeman, who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, the annuity shall be equal to the annuity that would have been payable upon service retirement at age sixty had the member continued in service to said age sixty without change in compensation; and (b) A pension which shall be equal to the annuity allowable at the age of retirement, but not to exceed an annuity allowable at age sixty-five, computed on the basis of contributions made prior to attainment of age sixty-five, except that in the case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six, but prior to age sixty, the pension shall be equal to the annuity that he would receive had he contributed to age sixty without change in compensation; and (c) If he has a prior service certificate in full force and effect, an additional pension shall be equal to the annuity which would have been provided at age of retirement, but not to exceed an annuity allowable at age sixty-five by twice the contributions which he would have made during the period of prior service with which he is credited, had the system been in operation and had he contributed thereunder, except that in case of a state policeman who has completed twenty years of creditable service as a state policeman, who retires after age fifty-six but prior to age sixty, an additional pension, if he has a prior service certificate in full force and effect, which shall be equal to the annuity which would have been provided at age sixty, but not to exceed an annuity allowable at age sixty by twice the contributions which he would have made during the period of prior service with which he is credited had the system been in operation and had he contributed thereunder. In lieu of a determination of the actual compensation of a member that was received during such prior service, the board of control may use for the purpose of this chapter the compensation rate which, if it had progressed with the rates of salary increase shown in the tables as prescribed in section 6, subsection (14) of this Act, would have resulted in the same average salary of the member for the five years immediately preceding the date of establishment as the records show the member actually received. (3) Disability retirement benefit. (a) Upon application of a member in service, or of his employer, any member who has had ten or more years of creditable service, who becomes disabled, may be retired on a disability retirement allowance by the board of control not less than thirty nor more than ninety days next following the date of filing of such application, provided that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member should be retired. (b) Provided further that without regard to the number of years of creditable service a member employed as a state policeman, who as a result of his employment, in line of duty and not as a result of his own misconduct, shall become permanently and totally disabled to the extent that he cannot perform his duties or duties of a less strenuous nature, as an employee of the state of Alabama or as an employee of an employer participating under the provisions of section 12 of this Act, shall be retired on a disability retirement allowance, not less than thirty nor more than ninety days next following the date of filing of such application, provided that the medical board, after a medical examination of such member, shall certify that such member is mentally or physically incapacitated for the further performance of duty, that such incapacity is likely to be permanent, and that such member

should be retired. (4) Allowance on disability retirement. Upon retirement for disability a member shall receive a service retirement allowance if he has attained age sixty, or, in the case of a state policeman, if he has attained age fifty-six and has completed twenty years of creditable service as a state policeman; otherwise he shall receive a disability retirement allowance which shall consist of: (a) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement, and (b) a pension which shall be equal to seventy-five per centum of the pension that would have been payable upon service retirement at age sixty had the member continued in service to said age without change in compensation. (5) Re-examination of beneficiaries retired on account of disability. Once each year during the first five years following the retirement of a member on a disability retirement allowance, and once in every three year period thereafter, the board of control may, and upon his application shall, require any disability beneficiary who has not yet attained age sixty to undergo a medical examination, such examination to be made at the place of residence of such beneficiary, or other place mutually agreed upon, by a physician or physicians of or designated by the medical board. Should any disability beneficiary who has not yet attained age sixty refuse to submit to such medical examination, his allowance may be discontinued until his withdrawal of such refusal, and should his refusal continue for one year all his rights in and to his pension may be revoked by the board of control; provided that these requirements relative to the medical examination shall not apply in the case of a state policeman retired for disability and who has attained age fifty-six. Should the medical board report and certify to the board of control that a disability beneficiary is engaged in or is able to engage in a gainful occupation paying more than the difference between his retirement allowance and his average final compensation, and should the board of control concur in such report, then the amount of his pension shall be reduced to an amount which together with his annuity and the amount earnable by him, shall equal the amount of his average final compensation. Should his earning capacity be later changed, the amount of his pension may be further modified; provided, that the new pension shall not exceed the amount of the pension originally granted, nor an amount which, when added to the amount earnable by the beneficiary, together with this annuity, exceeds the amount of his average final compensation. (6) Return of contributions. (a) Should a member cease to be an employee except by death or by retirement under the provisions of this chapter, the contributions standing to the credit of his individual account in the annuity savings fund shall be paid to him upon demand, and in addition to such payment there shall be paid five-tenths of the interest accumulations standing to the credit of his individual account if he shall have not less than three but less than sixteen years of membership service, six-tenths of such interest accumulations if he shall have not less than sixteen but less than twenty-one years of membership service, seven-tenths of such interest accumulations if he shall have not less than twenty-one but less than twenty-six years of membership service, and eight-tenths of such interest accumulations if he shall have not less than twenty-six years of membership service. (b) Should a member die before retirement, the amount of his contributions with such interest as would have been returnable in the case of withdrawal as provided in paragraph (a) of this subsection shall be paid to his estate, or to such person as he shall have nominated by written designation duly executed and filed with the board of control. (7) Option allowances. With the provision that no election of an option shall be effective in case a beneficiary dies within thirty days after retirement or within thirty days after filing such election, and that such a beneficiary shall be considered as an active member at the time of his death, until the first payment on account of any benefit

becomes normally due, any member may elect to receive in lieu of his retirement allowance payable throughout life, the actuarial equivalent at that time, of his retirement allowance, in a reduced retirement allowance payable throughout life with the provision that: Option 1. If he dies before he has received in annuity payments the present value of his annuity as it was at the time of his retirement, the balance shall be paid to his legal representatives or to such person as he shall nominate by written designation duly acknowledged and filed with the board of control; or Option 2. Upon his death, his reduced retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or Option 3. Upon his death, one-half of his reduced allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly acknowledged and filed with the board of control at the time of his retirement; or Option 4. Some other benefit or benefits shall be paid either to the member or to such person or persons as he shall nominate, provided such other benefits, together with the reduced retirement allowance, shall be certified by the actuary to be of equivalent actuarial value to his retirement allowance and shall be approved by the board of control. (8) Return to active service. (a) Should any beneficiary be restored to active service from service retirement, or from disability retirement on or after attainment of age fifty, his retirement allowance shall be suspended until he again withdraws from service, he shall not again become a member of the retirement system, nor shall he make contributions. (b) Should any beneficiary on disability retirement be restored to active service before reaching age fifty, he shall again become a member of the retirement system and shall make contributions. (9) In the case of those who have retired prior to the effective date of this Act and who are receiving retirement benefits based upon the provisions of law enacted prior to the effective date of this Act, the board of control shall revise the benefits such persons are thereafter entitled to receive by recalculating as of the date of their retirement the additional pensions that may be provided by the provisions of this Act."

Section 2. This Act shall become effective October 1, 1961, or ninety days after its passage and approval, whichever date is the latest.

Which was adopted.

Yeas 24; Nay 1.

Yeas:

Messrs.:	deGraffenried	Graham	Samford
Andrews	Eddins	Haltom	Turner
Archer	Farmer	Hines	Webb
Berryman	Gaither	Leonard	Wilson
Clark	Godfrey	Moses	Word
Cooper	Golson	Robison	Wyatt
Crawford			—24

Nay: Mr. Shelton —1

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 2.

Yeas:

Messrs.:	Cooper	Givhan	Moses	
Andrews	Crawford	Godfrey	Samford	
Archer	deGraffenried	Golson	Turner	
Barnett	Dumas	Graham	Webb	
Berryman	Eddins	Haltom	Wilson	
Caffey	Farmer	Leonard	Word	
Clark				—24

Nays:

Messrs.:	Robison	Shelton	—2

The Bill:

S. 289. To amend further Act No. 46, H. 36, Legislature of 1955, Second Special Session, which regulates the sale of eggs and provides for the inspection and grading thereof by amending Sections 1, 6, 7, 8, 11, 12 and 13 of said Act.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nay 1.

Yeas:

Messrs.:	Cooper	Godfrey	Porter	
Andrews	Crawford	Golson	Robison	
Archer	Dumas	Green	Samford	
Barnett	Eddins	Haltom	Turner	
Berryman	Farmer	Kendall	Webb	
Caffey	Gaither	Leonard	Wilson	
Clark	Givhan	Moses	Word	
				—27

Nay: Mr. Hines —1

The Bill:

S. 398. To authorize the State Board of Agriculture and Industries to establish a program for the prevention, control and eradication of brucellosis or bangs disease in cattle and to prescribe the powers, authority and duties of the Commissioner of Agriculture and Industries and the State Veterinarian relative thereto; to authorize the State Board of Agriculture and Industries to prescribe methods and procedures for calfhood vaccination against brucellosis together with other methods and procedures for testing and vaccinating cattle for the control and eradication of such disease; to authorize the State Board of Agriculture and Industries to adopt rules and regulations for a brucellosis disease control and eradication program and to prescribe a penalty for violations thereof; to repeal Act No. 410 of the Legislature of 1947, approved September 25, 1947 (General Acts of 1947, page 298).

Was read a third time at length and passed, and ordered sent forth-

with to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Green	Samford	
Andrews	Crawford	Haltom	Shelton	
Archer	deGraffenried	Hines	Turner	
Barnett	Eddins	Kendall	Webb	
Berryman	Givhan	Leonard	Wilson	
Caffey	Godfrey	Porter	Word	
Clark	Golson	Robison	Wyatt	
				—27

Nays: —0

The Bill:

S. 135. To amend an Act approved February 10, 1956, entitled "An Act to authorize and provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; defining such terms; providing for the acquisition of lands acquired therefor; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; and for other purposes" (Act No. 104, H. B. 148, Acts 1956, p. 148).

Was read a third time at length and passed, and ordered sent forth- to the House without engrossment.

Yeas 26; Nay 1.

Yeas:

Messrs.:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Samford	
Barnett	Farmer	Hines	Turner	
Berryman	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper	Golson	Moses	Word	
deGraffenried	Graham	Porter		—26

Nay: Mr. Shelton —1

The Bill:

S. 136. To authorize the Director of Conservation to enter into agreements of reciprocity with Conservation Commissioners and other proper officials of adjoining states concerning the hunting of waterfowl on waters lying between said states.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Robison	
Andrews	deGraffenried	Green	Shelton	
Barnett	Eddins	Haltom	Turner	
Berryman	Farmer	Kendall	Webb	
Caffey	Gaither	Leonard	Wilson	
Clark	Givhan	Moses	Wyatt	
Cooper	Godfrey			—25

Nays: —0

The Bill:

S. 439. Relating to divorce; providing that after divorce the wife shall be barred from using the given name or initials of the husband.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Crawford	Godfrey	Leonard	
Andrews	deGraffenried	Golson	Roberts	
Barnett	Dumas	Graham	Robison	
Berryman	Eddins	Green	Shelton	
Caffey	Farmer	Haltom	Word	
Clark	Gaither	Hines	Wyatt	
Cooper	Givhan	Kendall		—26

Nays: —0

The Bill:

S. 329. To adopt standards and specifications applicable to lighting equipment and special warning devices to be carried by motor vehicles operated by rural mail carriers; further amending Section 25 of Title 36, Code of Alabama 1940 and Section 41 of Title 36, Code of Alabama 1940, as amended, to conform to this Act; and repealing conflicting laws.

was taken up.

Mr. Green offered the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 329

In Section 1 of the bill, add the following paragraph:

Any vehicle in active service transporting United States Mail may, as an option to the foregoing, display a flashing red light not less than 4" in diameter with the letters "STOP" printed thereon and a uniform sign not less than 14" in diameter approved by the Department of Public Safety with the words printed thereon "U. S. MAIL, WATCH FOR STOPS"; which sign and light is to be attached to the rear of such vehicle.

Also, in Section 2, change the period at the end of the next to the last sentence to a comma and insert the following words and figures: if the vehicle is equipped with a warning sign conforming to the specifications prescribed for signs affixed to vehicles transporting the United States Mail by an act of the Regular Session of the Legislature of 1961.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Haltom	Samford	
Archer	Dumas	Hines	Shelton	
Barnett	Eddins	Kendall	Turner	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses	Word	
Clark	Godfrey	Robison	Wyatt	
Cooper	Green			—25

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Green	Samford	
Andrews	deGraffenried	Haltom	Shelton	
Archer	Dumas	Hines	Turner	
Barnett	Farmer	Kendall	Wilson	
Berryman	Givhan	Leonard	Word	
Caffey	Godfrey	Moses	Wyatt	
Clark	Golson	Robison		—26

Nays: —0

The Bill:

S. 99. Relating to prohibition of certain dangerous knives; making the manufacture, possession, display, offering, selling, lending, giving away, or purchasing of certain knives unlawful; requiring the surrender of prohibited knives to chiefs of police or the sheriff of any county; prescribing penalties.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Archer	Berryman	Clark
Andrews	Barnett	Caffey	Cooper

Crawford	Godfrey	Kendall	Shelton	
deGraffenried	Golson	Leonard	Turner	
Dumas	Graham	Porter	Webb	
Eddins	Green	Robison	Wilson	
Farmer	Haltom	Samford	Word	
Givhan	Hines			—29

Nays: —0

The Bill:

S. 427. To amend Sections 46, 55, 57 and 59 of Title 38 of the Code of Alabama of 1940, which relate to Bar Pilots and Pilotage.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Godfrey	Moses	
Andrews	deGraffenried	Graham	Robison	
Barnett	Dumas	Green	Turner	
Berryman	Eddins	Haltom	Webb	
Caffey	Farmer	Hines	Word	
Clark	Gaither	Leonard	Wyatt	
Cooper	Givhan			—25

Nays: —0

The Bill:

S. 428. To provide for the compulsory retirement of Bar Pilots licensed and branched by the State Pilotage Commission and to fix the effective age and date of such retirement.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Godfrey	Robison	
Andrews	deGraffenried	Graham	Samford	
Barnett	Dumas	Green	Shelton	
Berryman	Farmer	Haltom	Webb	
Caffey	Gaither	Hines	Wilson	
Clark	Givhan	Kendall	Word	
Cooper				
				—24

Nays: —0

The Bill:

S. 343. To provide for concurrent sentences in criminal cases;

amending Code of Alabama 1940, Title 45, Sections 32 and 83, and Act No. 534, S. 353, approved July 9, 1943, Section 1.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Andrews	Eddins	Haltom	Samford
Berryman	Farmer	Hines	Shelton
Caffey	Gaither	Kendall	Webb
Cooper	Givhan	Leonard	Wilson
Crawford	Godfrey	Moses	Word
deGraffenried	Golson	Porter	Wyatt

—27

Nays: —0

The Bill:

S. 467. To define and regulate the business of selling and cashing checks, drafts or money orders or of receiving money for the purpose of paying bills, invoices or accounts of the obligor; to provide for the issuance of licenses and the making of examinations and investigations by the state securities commissioner; to provide for the filing of a bond or bonds by the applicant for such licenses; to limit the amount of fees to be charged; to provide for the suspension, surrender and revocation of licenses; to create a trust of certain funds held by a licensee; to provide for the adoption of rules and regulations and to prescribe penalties for violations of this Act.

was taken up.

Mr. Caffey offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 467

A BILL

TO BE ENTITLED

AN ACT

To license and regulate the business of selling, issuing or otherwise dispensing checks, drafts, money orders or other instruments for the transmission or payment of money, and the business of receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts, as a service or for a fee or other consideration; to exempt certain transactions and businesses from the operation of this act; to provide for the administration of this act by the state securities commissioner; to provide for appeals from certain orders of the state securities commissioner to the Circuit Court of Montgomery County and to the Supreme Court of Alabama; and to prescribe penalties for violation of, or non-compliance with, this act.

Be It Enacted by the Legislature of Alabama as Follows:

Section 1. This act shall be known and may be cited as the "Sale of Checks Act."

Section 2. For purposes of this act:

"Person" means any individual, partnership, association, joint stock association, trust or corporation.

"Licensee" means any person duly licensed by the commissioner pursuant to this act.

"Check" means any check, draft, money order or other instrument for the transmission or payment of money.

"Commissioner" means the securities commissioner of the State of Alabama.

Section 3. No person, as a service or for a fee or other consideration, shall engage in the business of selling, issuing or otherwise dispensing checks or receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts without first obtaining a license from the commissioner pursuant to the provisions of this Act.

Section 4. Nothing in this act shall apply to the sale or issuance or dispensing of checks, or the receiving of money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts, by:

(a) Banks, trust companies, and savings and loan associations organized under the laws of this state or of the United States; or

(b) The Government of the United States or any department or agency thereof; or

(c) The State of Alabama or any municipal corporation, county or other political subdivision of this state.

Neither shall this act apply to the receipt of money by an incorporated telegraph company or any agent thereof for immediate transmission by telegraph.

Section 5. Each application for a license to engage in the business of selling or issuing or dispensing checks or receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts shall be made in writing and under oath to the commissioner in such form as he may prescribe. The application shall state the full name and business address of

(a) The proprietor, if the applicant is an individual;

(b) Every member, if the applicant is a partnership or association, except that if the applicant is a joint stock association having fifty or more members the name and business address need be given only of the association and each officer and director thereof;

(c) The corporation and each officer and director thereof, if the applicant is a corporation.

Section 6. Each application for a license shall be accompanied by an investigation fee of $100, and a license fee in the amount required by Section 9 hereof. The license fee shall be refunded if the application is

denied. No investigation fee shall be refunded. All investigation fees collected by the commissioner under the provisions of this act shall be deposited with the State Treasurer and shall be set aside by him in a separate fund earmarked for the use of the State Securities Commission in the administration and enforcement of this act.

Section 7. Each application for a license shall be accompanied by:

(a) Certified financial statements, reasonably satisfactory to the commissioner, showing that the applicant's net worth exceeds $5,000; and

(b) A corporate surety bond in the principal sum of $10,000 for the principal office plus an additional principal sum of $5,000 for each additional location, office or agency of such applicant in this state at which the business is to be conducted, but in no event shall the bond be required to be in a principal sum in excess of $50,000. If the bond accompanying the application is in a principal sum less than $50,000, the application shall also be accompanied by a list of the locations, offices and agencies at which the business is to be conducted. The bond shall be in a form satisfactory to the commissioner and shall be issued by a bonding company or insurance company authorized to do business in this state, to secure the faithful performance of the obligations of the appplicant and the agents and subagents of the applicant with respect to the receipt, transmission and payment of money in connection with the sale or issuance or dispensing of checks or the payment of obligors' bills, invoices or accounts.

In lieu of such corporate surety bond the applicant may deposit with the State Treasurer bonds or other obligations of this state or of any municipal corporation, county, or other political subdivision or agency of this state in principal amount at least equal to that of the corporate surety bond otherwise required. Such bonds or obligations shall be deposited with the State Treasurer to secure the same obligations as would a corporate surety bond, but the depositor shall be entitled to receive all interest and dividends thereon and shall have the right to substitute other bonds or obligations for those deposited, with the approval of the commissioner, and shall be required so to do on order of the commissioner made for good cause shown.

Section 8. Upon the filing of the application, the payment of the investigation fee and license fee, and the approval by the commissioner of the bond or securities delivered pursuant to Section 7 hereof, the commissioner shall investigate the financial responsibility, financial and business experience, character and general fitness of the applicant and, if he deems it advisable, of its officers and directors, and, if he finds these factors and qualities meet the requirements of this act and are such as to warrant the belief that the applicant's business will be conducted honestly, fairly, equitably, carefully and efficiently and in a manner commanding the confidence and trust of the community, he shall issue to the applicant a license to engage in the business of selling and issuing and dispensing checks and receiving money as agent of obligors for the purpose of paying such obligors' bills, invoices or accounts, subject to the provisions of this act.

Section 9. Each licensee shall pay to the commissioner with his application, and annually thereafter on or before April 1st of each year, a license fee of $250 for the principal office and an additional $5.00 for each additional location, office or agency at which the business is to be conducted; provided, however, that no such additional fee shall be re-

quired for any agent or sub-agent of a licensee if the agent or sub-agent is exempted by Section 4(a) hereof; and provided, further, that no person shall be required to pay an amount in excess of $500 per year for a license hereunder.

Section 10. Each licensee may conduct business at one or more locations within this state and through or by means of such employees, agents, sub-agents or representatives as such licensee may from time to time designate and appoint. No license under this act shall be required of any such employee, agent, sub-agent or representative with respect to transactions in which he is acting for or in behalf of a licensee hereunder.

Section 11. Each licensee shall file with the commissioner annually on or before April 1st of each year a statement listing the locations, offices and agencies authorized by the licensee to act for or on behalf of the licensee in selling or issuing or dispensing checks or receiving money as the agent of obligors for the purpose of paying such obligors' bills, invoices or accounts. A supplemental statement setting forth any changes in the list of locations, offices and agencies shall be filed with the commissioner on or before the 1st day of July, October and January of each year and the principal sum of the corporate surety bond or deposit required under Section 7 hereof shall be adjusted, if appropriate, to reflect any increase or decrease in the number of locations, offices and agencies. An additional $5.00 for each new location, office or agency shall be paid to the commissioner, unless the maximum license fee provided by Section 9 hereof has already been paid. Such annual and supplemental statements shall not be required of any licensee who pays the maximum license fee provided by Section 9 hereof and who continues to maintain a corporate surety bond or deposit in the principal sum of $50,000.

Section 12. No license shall be denied or revoked except on ten days' notice to the applicant or licensee. Upon receipt of such notice the applicant or licensee may, within five days of such receipt, make written demand for a hearing. Pending final determination of the matter by the commissioner or by the courts, any revocation order shall be suspended provided that the licensee posts a bond in an amount deemed adequate by the commissioner but not to exceed $50,000. Such bond shall secure the same obligations as does the corporate surety bond or deposit required by Section 7 hereof but shall be in addition to the bond or deposit required thereby. Upon receipt of such written demand, the commissioner shall thereafter, with reasonable promptness, hear and determine the matter as provided by law. If the applicant or licensee deems himself aggrieved by such determination or order of the commissioner, he may, within fifteen days after such determination or order, have such determination or order reviewed by appeal to the Circuit Court of Montgomery County, Alabama, sitting in equity, by filing a petition setting out the specific order or action or part thereof whereby such person deems himself aggrieved. All such petitions shall be given preferred settings and shall be heard by the court as speedily as possible. Such an appeal shall be perfected upon the posting of a bond for the costs of the appeal, accompanied by the said petition. Any party to said appeal may appeal to the Supreme Court of Alabama from the judgment or decree of the said circuit court, within thirty days from the rendition of said judgment or decree, in the manner provided by law for appeals to the Supreme Court of Alabama from circuit courts, sitting in equity.

Section 13. The commissioner may at any time revoke a license, on

any ground on which he might refuse to grant a license, for failure to pay and annual fee or for violation of any provision of this act, subject to the provisions of this act.

Section 14. Any provision hereof to the contrary notwithstanding, the commissioner may at any time, if in his opinion the protection of the public so requires, increase the principal sum of the bond or deposit required of any applicant or licensee by Section 7 hereof but in no case shall the principal sum of the required bond or deposit exceed $50,000, except as provided by Section 12 hereof.

Section 15. If any person to whom or which this act applies or any agent, sub-agent or representative of such person violates any of the provisions of this act or attempts to transact the business of selling or issuing or dispensing checks, or the business of receiving money as agent of obligors for the purpose of paying such obligors' bills, invoices or accounts, as a service or for a fee or other consideration, without having first obtained a license from the commissioner pursuant to the provisions of this act, such person and each such agent, sub-agent or representative shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $100 nor more than $500, and may also be confined in the county jail, or sentenced to hard labor for the county, for not more than twelve months. Each violation shall constitute a separate offense.

Section 16. The provisions of this act are severable. Should any provision, portion or section hereof be held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remaining provisions, portions or sections hereof.

Section 17. This act shall become effective on April 1, 1962.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Eddins	Green	Samford
Berryman	Farmer	Haltom	Shelton
Caffey	Gaither	Kendall	Webb
Cooper	Givhan	Moses	Wilson
Crawford	Golson	Porter	Word
deGraffenried	Graham	Robison	Wyatt
Dumas			—24

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Berryman	Clark	Crawford
Andrews	Caffey	Cooper	deGraffenried

Dumas	Golson	Kendall	Shelton	
Eddins	Graham	Moses	Webb	
Farmer	Green	Porter	Wilson	
Givhan	Haltom	Robison	Word	
Godfrey	Hines	Samford		—26

Nays: —0

The Bill:

S. 366. Relating to the powers of municipalities; authorizing the use of municipal funds and revenues to promote economic development.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nay 1.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Andrews	Eddins	Green	Samford	
Barnett	Farmer	Haltom	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Cooper	Godfrey	Moses	Word	
Crawford	Golson	Porter	Wyatt	
				—27

Nay: Mr. Dumas —1

The Bill:

S. 423. To amend Section 397 of Title 14 of the Code of Alabama of 1940.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Rutledge	
Andrews	Eddins	Haltom	Samford	
Archer	Farmer	Hines	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Cooper	Godfrey	Moses	Wilson	
Crawford	Graham	Robison	Word	
deGraffenried				
				—28

Nays: —0

The Bill:

S. 158. To make an appropriation for each of the fiscal years end-

ing September 30, 1962 and September 30, 1963 to the Armory Commission of Alabama to be used in providing necessary armory facilities for the Alabama National Guard and the Air National Guard units, including the matching of federal funds made available for such purposes and including the alteration, improvement and equipment of armories therefor.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 158

Amend S. B. 158 by adding thereto the following:

Section 2(a). There is hereby appropriated to the Armory Commission of Alabama, out of monies in the State Treasury not otherwise appropriated for the fiscal year ending September 30, 1962, the sum of $120,000.00 for construction of Armory drill halls in the following locations and for the amounts specified.

Haleyville	$60,000.00
Russellville	60,000.00

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	deGraffenried	Golson	Porter	
Andrews	Dumas	Graham	Robison	
Barnett	Eddins	Green	Rutledge	
Berryman	Farmer	Haltom	Samford	
Caffey	Gaither	Hines	Shelton	
Cooper	Givhan	Kendall	Turner	
Crawford	Godfrey	Leonard	Word	
				—27

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Rutledge	
Andrews	Dumas	Green	Samford	
Barnett	Eddins	Hines	Shelton	
Berryman	Farmer	Kendall	Turner	
Caffey	Gaither	Moses	Wilson	
Clark	Givhan	Porter	Word	
Cooper	Godfrey	Robison	Wyatt	
Crawford	Golson			—29

Nays: —0

The Bill:

S. 273. Relating to public works; to provide for the employment of resident workmen and laborers in the construction of public improvements or the execution of public works contracts; prescribing penalties.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 273

Amend S. B. 273 by adding, following the word "in" in the fifth line from the last of Section 1 thereof, the following words "or have moved to Alabama from"

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	deGraffenried	Haltom	Samford	
Andrews	Dumas	Hines	Shelton	
Berryman	Eddins	Kendall	Turner	
Caffey	Farmer	Leonard	Webb	
Clark	Givhan	Moses	Wilson	
Cooper	Godfrey	Robison	Word	
Crawford	Green	Rutledge	Wyatt	
				—27

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Archer	Eddins	Haltom	Rutledge	
Barnett	Farmer	Hines	Samford	
Berryman	Gaither	Kendall	Webb	
Cooper	Givhan	Leonard	Wyatt	
Crawford	Godfrey	Moses		—22

Nays: —0

The Bill:

S. 172. To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of $160,000 for the purpose of

purchasing and installing a mechanical filing system in the State Department of Public Safety.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison	
Andrews	deGraffenried	Green	Rutledge	
Archer	Dumas	Haltom	Samford	
Barnett	Eddins	Hines	Shelton	
Berryman	Farmer	Kendall	Turner	
Caffey	Gaither	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper				—28

Nays: —0

The Bill:

S. 157. To appropriate out of funds in the State Treasury to the credit of the State Health Department Vital Statistics Fund the sum of $87,492.00, or so much thereof as may be necessary, for the purpose of enlarging and equipping the vault of the Bureau of Vital Statistics in the State Office Building, Montgomery, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 20; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Moses	
Andrews	Eddins	Haltom	Robison	
Archer	Gaither	Hines	Rutledge	
Berryman	Givhan	Kendall	Samford	
Caffey	Godfrey	Leonard	Turner	
Crawford				—20

Nays: —0

The Bill:

S. 35. To appropriate out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000) to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, to be used only for the purchase of lands for the development and restoration of the Fort Toulouse Site in Elmore County, Alabama, and to provide for the lease, sale, swap, exchange, transfer or other disposition of such lands to the United States Government without consideration if the United States Government will recognize said property as a historic site or national monument and will assume the management, control and operation of the Site after so recognizing same as a historic site or national monument.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 31; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Porter
Andrews	deGraffenried	Graham	Robison
Archer	Dumas	Green	Samford
Barnett	Eddins	Haltom	Shelton
Berryman	Farmer	Hines	Turner
Caffey	Gaither	Jones	Webb
Clark	Givhan	Kendall	Wilson
Cooper	Godfrey	Moses	Word

—31

Nays: —0

The Bill:

S. 523. To make an appropriation to the Oil and Gas Board from funds in the State Treasury to the credit of the General Fund for the fiscal years ending September 30, 1962 and September 30, 1963.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Golson	Robison
Andrews	deGraffenried	Graham	Samford
Archer	Eddins	Haltom	Shelton
Barnett	Farmer	Hines	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark	Godfrey	Moses	Word

—27

Nays: —0

The Bill:

S. 524. To provide that distribution of the two percent (2%) tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use, from any well or wells in the State of Alabama, pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be deposited in the State Treasury to the credit of the General Fund; to provide for the transfer of all funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1961 to the General Fund; to repeal all laws or parts of law in conflict with the provisions of this Act; and to provide an effective date therefor.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nay 1.

Yeas:

Messrs.:	Cooper	Golson	Robison
Andrews	Crawford	Graham	Samford
Archer	Dumas	Haltom	Shelton
Barnett	Eddins	Hines	Turner
Berryman	Farmer	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark	Godfrey	Moses	Word

—27

Nay: Mr. deGraffenried —1

The Bill:

S. 522. To provide a program for the protection of forest trees from insect infestation and disease. To establish a system and method for the suppression of infestation and disease in forest trees. To provide for cooperative agreements with the Federal Government, other agencies and persons. To provide for a fund known as the "Control of Forest Tree Insects and Diseases Fund," and to further provide an appropriation for the management of the program.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 522

Amend S. B. 522 by striking therefrom the last sentence in Section 8 thereof.

Which was adopted.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Robison
Andrews	Dumas	Green	Samford
Archer	Farmer	Hines	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wilson
Cooper	Golson	Porter	Word

—27

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Porter
Andrews	deGraffenried	Graham	Robison
Archer	Dumas	Green	Shelton
Barnett	Eddins	Haltom	Turner
Berryman	Farmer	Hines	Webb
Caffey	Gaither	Kendall	Wilson
Clark	Givhan	Leonard	Word
Cooper	Godfrey	Moses	

—30

Nays: —0

The Bill:

S. 574. To alter or rearrange the boundary lines of the City of Abbeville, Henry County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Henry County, Alabama.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Givhan	Kendall	Turner	
Caffey	Golson	Leonard	Webb	
Clark	Graham	Roberts	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

S. 205. To amend Section 115 of Title 41 of the 1940 Code.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Godfrey	Moses	
Andrews	deGraffenried	Golson	Robison	
Archer	Dumas	Graham	Samford	
Barnett	Eddins	Haltom	Turner	
Berryman	Farmer	Hines	Webb	
Caffey	Gaither	Kendall	Wilson	
Clark	Givhan	Leonard	Word	
				—27

Nays: —0

The Bill:

S. 573. To make an appropriation for the relief of J. E. Rutherford.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Moses	
Andrews	deGraffenried	Graham	Porter	
Archer	Dumas	Haltom	Robison	
Barnett	Eddins	Hines	Samford	
Berryman	Farmer	Jones	Turner	
Caffey	Gaither	Kendall	Webb	
Clark	Givhan	Leonard	Word	
Cooper	Godfrey			—29

Nays: —0

The Bill:

S. 572. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of $10,000.00, or so much thereof as may be necessary, to the Fort Morgan Historical Commission, for the purpose of remodeling and/or constructing certain projects at Fort Morgan.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Porter	
Andrews	Crawford	Golson	Samford	
Archer	deGraffenried	Graham	Turner	
Barnett	Eddins	Haltom	Webb	
Berryman	Farmer	Hines	Wilson	
Caffey	Gaither	Kendall	Word	
Clark	Givhan	Moses		—26

Nays: —0

The Bill:

S. 348. To prescribe the salary or compensation of the Commissioner of Agriculture and Industries.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT FOR S. B. 348

Amend Senate Bill 348 as follows:

Strike out the first sentence in Section 1 thereof and insert in lieu thereof the following sentence:

"The salary of the Commissioner of Agriculture and Industries shall be Ten Thousand Dollars ($10,000.00) per annum."

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Andrews	Eddins	Green	Samford	
Archer	Farmer	Haltom	Turner	
Barnett	Gaither	Hines	Webb	
Berryman	Givhan	Kendall	Wilson	
Clark	Godfrey	Leonard	Word	
Crawford	Golson	Moses		—26

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Clark	Eddins	Golson
Andrews	Cooper	Farmer	Graham
Archer	Crawford	Gaither	Green
Barnett	deGraffenried	Givhan	Haltom
Caffey	Dumas	Godfrey	Hines

Kendall	Robison	Turner	Wilson	
Leonard	Samford	Webb	Wyatt	
Moses				—28

Nays: —0

The Bill:

S. 160. To make appropriations to the Department of Conservation for capital improvements.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 160

A BILL
TO BE ENTITLED
AN ACT

To make appropriations to the Department of Conservation for capital improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated from money in the State Treasury to the credit of the funds designated herein to the several divisions of the Department of Conservation for the fiscal years ending September 30, 1962 and September 30, 1963, to be used for capital improvement purposes only, the following amounts for the specific projects:

(A)	For the fiscal year ending September 30, 1962:		
	For purchase and acquisition of sites for fire towers at Terrapin Creek, Bristow Creek, Big Prairie, French Creek	600.00	
	For the installation and construction of eleven (11) sanitation units on tower site	1,800.00	
	For expense of assembly and erection of sixteen (16) Quonset Huts obtained from U. S. Government surplus property	9,600.00	
	Total		12,000.00
	For the fiscal year ending September 30, 1963:		
	For erection and construction of one room addition to the dwelling at the Miller Nursery	5,000.00	
	For erection, construction and equipment of a greenhouse for experimental and research work at Miller Nursery	5,000.00	
	For installation of fences around ten (10) tower sites	2,000.00	
	Total		12,000.00
	The above appropriations shall be paid only from the State Forestry Fund.		
(B)	For the fiscal year ending September 30, 1962:		
	For the erection, construction and equip-		

	ment of a concession building at Madison County Public Lake, together with living accommodations, rest rooms, water sewage, power system and all essentials necessary for living and operating facilities	20,000.00	
	For the fiscal year ending September 30, 1963:		
	For the erection, construction and equipment of a concession building at Chambers County Public Lake, together with living accommodations, rest rooms, water sewage, power system and all essentials necessary for living and operating facilities	20,000.00	
	The above appropriations shall be paid only from the State Parks Fund.		
(C)	For the fiscal year ending September 30, 1962:		
	For improving public-owned oyster beds	28,400.00	
	For construction and installation of boat pier at Bon Secour	1,000.00	
	For erection, construction and equipment of additional office and storage space and facility in Mobile County	2,250.00	
	For erection, construction and equipment of a Seafood Laboratory Building in Mobile County (Provided, however, that in the event this building is not constructed, the above sum, or so much thereof as may be necessary, may be used for improving public-owned oyster beds.)	96,000.00	
	Total		127,650.00
	For the fiscal year ending September 30, 1963:		
	For improving public-owned oyster beds	46,500.00	
	For improvements to Gulf Shores	2,500.00	
	For erection, construction and equipment of a Seafood Laboratory Building in Mobile County (Provided, however, that in the event this building is not constructed, the above sum, or so much thereof as may be necessary may be used for improving public-owned oyster beds.)	78,250.00	
	Total		127,250.00
	The above appropriations shall be paid only from the Seafoods Fund.		
(D)	For the fiscal year ending September 30, 1962:		
	For repairs to public lakes	5,000.00	
	For repairs to buildings at game and fish management areas	2,000.00	
	For erection and construction of shelters at game and fish management areas	3,000.00	
	For erection and construction of boat landings on rivers, streams, and lakes		

of the state, and for construction of public fish lakes	237,000.00	
For the purchase and acquisition of land for game and fish purposes	95,000.00	
Total		342,000.00
For the fiscal year ending September 30, 1963:		
For repair to public buildings at the game and fish management areas	2,000.00	
For erection and construction of boat landings on rivers, streams and lakes of the State, and for construction of public fish lakes	157,000.00	
For the purchase and acquisition of land for game and fish purposes	50,000.00	
Total		209,000.00
The above appropriations shall be paid only from the Game and Fish Fund.		
(E) For the fiscal year ending September 30, 1962:		
For the construction of boat piers	2,500.00	
For the construction of boat houses	1,500.00	
For the erection of directional lights and for hazard markers and restrictive signs	6,000.00	
Total		10,000.00
For the fiscal year ending September 30, 1963:		
For the construction of boat piers	2,500.00	
For the construction of boat houses	1,500.00	
For the construction of a sub-office for the Water Safety Division	12,000.00	
For the erection of directional lights and for hazard markers and restrictive signs	5,000.00	
Total		21,000.00
The above appropriations shall be paid only from the Water Safety Fund.		

Section 2. That, except as may be otherwise provided, the amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items exceed the amount allocated herein, except in the event of an emergency so determined by the Director of Conservation and the Governor any portion of the amounts herein appropriated may be expended to pay the cost of such emergency, and all appropriations herein made are, and shall be subject to the terms, conditions, provisions and limitations of Title 55, Chapter 4, Article 3, Code of Alabama 1940, and they shall not revert.

Section 3. In addition to the appropriations herein made, all gifts, grants, or contributions, including grants by the Congress of the United States, municipalities or counties to the Department of Conservation, or a division thereof, of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such depart-

ment, or division, to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 4. That, if any section, paragraph, sentence, clause, provision or portion of this Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 5. That all laws and parts of laws, general, special, private or local, in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 6. That this Act shall become effective on October 1, 1961.

Which was adopted.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Moses	
Andrews	Crawford	Golson	Porter	
Archer	deGraffenried	Graham	Robison	
Barnett	Eddins	Green	Samford	
Berryman	Farmer	Hines	Turner	
Caffey	Gaither	Kendall	Word	
Clark	Givhan	Leonard		—26

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Robison	
Archer	deGraffenried	Graham	Samford	
Barnett	Eddins	Green	Shelton	
Berryman	Farmer	Haltom	Turner	
Caffey	Gaither	Kendall	Webb	
Clark	Givhan	Leonard	Word	
Cooper	Godfrey	Porter		—26

Nays: —0

The Bill:

S. 207. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the state to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the state, and to incur indebtedness and issue bonds for said purpose; to authorize the state to engage in such works of internal improvement at an additional cost of not exceeding $3,500,000; to designate the Alabama State Docks Department and any department or agency of the state that may succeed to is functions as the agency to undertake, manage, operate and control such improvements; to prescribe the powers, duties and authority of said depart-

ment in connection therewith; to provide for the acquisition of property to carry out the purposes of this act and for the exercise of the power of eminent domain with regard thereto; to authorize the state to become indebted to the extent of not exceeding $3,500,000 in principal amount to carry out the provisions of this act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of the bonds and the method and manner of the sale and issuance thereof; to provide the use of proceeds from the sale of the bonds; to authorize the state to issue its refunding bonds for the purpose of refunding any of the bonds issued pursuant to the said Constitutional Amendment; to provide for the payment of any indebtedness evidenced by bonds issued pursuant to this act, to make appropriation therefor, and to pledge the full faith and credit of the state to the payment of such indebtedness; to provide for the use of funds obtained from the operation of the improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to authorize the use of personnel of the department at the Port of Mobile for the construction and operation of the improvements constructed with proceeds of any bonds issued under said Constitutional Amendment and the fair allocation of their compensation and expenses; to prohibit the use of revenues of the department derived from the operation of the state docks facilities at the Port of Mobile to pay any of the expenses of acquiring, maintaining or operating the improvements constructed with proceeds from the sale of bonds issued under said Constitutional Amendment, or to pay the principal of or interest on any of the bonds issued under said Constitutional Amendment; to provide for the investment of the proceeds from the sale of any of the bonds issued pursuant to the said Constitutional Amendment and of any funds derived from said improvements pending need for such funds; to require the maintenance of records of the total cost of the gross revenues from, and the expenses of operating each unit of development acquired, constructed, or operated pursuant to the provisions of this act, Act No. 98 adopted at the 1959 Regular Session of the Legislature, or Act No. 311 adopted at the 1957 Regular Session of the Legislature; to authorize the said department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this act; to authorize the revocation of certain licenses; and to exempt the bonds and the interest thereon from taxation.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 207

A BILL
TO BE ENTITLED
AN ACT

To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding $1,500,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority

of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding $1,500,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature or Act No. 98 adopted at the 1959 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. The words and phrases hereinafter set forth, wherever used in this Act, shall have the respective meanings hereinafter ascribed to them. "1957 Docks Amendment" means that certain amendment to the Constitution of Alabama that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama. "The State" means the State of Alabama. "The Department" means the Alabama State Docks Department created by Act No. 103, adopted at the 1955 Regular Session of said Legislature and any department or agency of the State that may succeed to its duties. "Dock facilities" means docks and all kind of dock facilities, including elevators, warehouses, water and rail terminals, wharves, piles, quays, compresses, storm haven facilities for all types of watercraft, channels between navigable waterways of the state for the purpose of connecting such waterways and aiding the use thereof, and other related structures, facilities and improvements that may be needed for the convenient use of the same. "1957 Docks Act" means Act No. 311 adopted at the 1957 Regular Session of said Legislature. "1959 Docks Act" means Act No. 98 adopted at the 1959 Regular Session of the Legislature. "The bonds" means those issued hereunder. "Unit of development" means any one or more dock facilities acquired pursuant to the provisions of either this Act or the 1957 Docks Act or the 1959 Docks Act which may be designated by the Department as a unit of development for the purposes of this Act; provided, that several dock facilities may be together designated as one unit of development only if they are contiguous to each other or closely related for purposes of use and operation. "Fiscal Year" means

the fiscal year of the department. "Inland waterways facilities" means all dock facilities at any time acquired or constructed pursuant to the provisions of the 1957 Docks Amendment. "Operating deficit of the inland waterways facilities" means the sum, if any there be, by which the gross revenues derived from the operation of the inland waterways facilities during any fiscal year may be exceeded by the total of all expenses, excluding any deductions for depreciation, incurred during the same fiscal year in the operation of the inland waterways facilities and in the maintenance thereof in good operating condition. "Port of Mobile facilities" means the facilities of all kinds known as the state docks owned by the state and operated by the department at the Port of Mobile. "Surplus revenues of the Port of Mobile facilities" means the gross revenues derived from the operation of the Port of Mobile facilities remaining at the end of any fiscal year after there shall have been deducted therefrom all expenses (excluding any deductions for depreciation), incurred during the same fiscal year in the operation of the Port of Mobile facilities and the maintenance thereof in good operating condition, and all payments required to be made during such fiscal year in order to comply with (a) sinking fund requirements for the Alabama Harbor Improvement Bonds at the time outstanding which were heretofore issued by the state for the development of the Port of Mobile facilities, (b) the obligations and agreements on the part of the department under any lease agreement at the time in effect which may have theretofore been made by the department for the rental of facilities located or for use at the Port of Mobile, and (c) the obligations and agreements on the part of the department which may have been made in any order of the department providing for the issuance of any revenue bonds at the time outstanding and which were theretofore issued by the department with respect to the Port of Mobile facilities. The definitions herein set forth include both the singular and the plural.

Section 2. Authorization of Dock Facilities at Additional Cost of $1,500,000. In addition to the authority granted to the State by the provisions of any other law, the State is hereby expressly authorized and empowered, at an additional cost to the State of not exceeding $1,500,000, to engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable rivers, streams or waterways now or hereafter existing within the State, all manner of dock facilities, in aid of commerce and use of the waterways of this State, all pursuant to the provisions of the 1957 Docks Amendment. All such works, improvements and facilities shall always be and remain under the management and control of the Department. The Department shall be the agency of the State by which the State shall accomplish the acquisition, construction, maintenance and operation of dock facilities hereunder and shall, in general, accomplish the purposes of this Act.

Section 3. Cost to the State. The authorization herein granted to the State of engaging in the aforesaid works of internal improvement at a cost of not exceeding $1,500,000 is in addition to the authorization in the amount of $3,000,000 granted by the 1957 Docks Act, and to the authorization in the amount of $3,500,000 granted by the 1959 Docks Act, thus bringing to the aggregate sum of $8,000,000 the total authorization presently and heretofore granted by the Legislature pursuant to the provisions of the 1957 Docks Amendment. The use of revenues derived from operation of dock facilities shall not be deemed the incurring of cost by the State within the meaning of this section.

Section 4. Exercise of Powers Hereunder. The State, acting through the Department, shall, in engaging in the works of internal improve-

ment authorized by this Act, have the power to acquire, purchase, install, lease, construct, own, hold, maintain, equip, control and operate along navigable rivers, streams or waterways now or hereafter existing within the State, and at river ports or landings along such navigable rivers, streams or waterways, dock facilities of all kinds, in aid of commerce and use of navigable waterways of the State, to the fullest extent practicable and to such extent as the Department shall deem desirable or proper. The authority herein granted shall include the completion of any dock facilities originally acquired under the provisions of the 1957 Docks Act, or the 1959 Docks Act; and also the dredging of approaches to any dock facilities, acquired, erected, maintained or operated pursuant to this Act, or the 1957 Docks Act, or the 1959 Docks Act. Before the Department shall exercise the authority vested in it hereby with respect to any dock facilities or any dredging of the approaches thereto, the Department shall first submit plans, including estimates of cost, prepared by competent engineers or architects, and a survey made by competent independent and professional engineers showing the economic feasibility of the proposal envisaged by such plans, to the Governor for his approval or disapproval; and in the event of the Governor's disapproval, the plans shall either be abandoned or be revised and again submitted to the governor for his approval or disapproval. Prior to the commencement of any construction, dredging, or other work hereunder for which a permit from, or the consent of, any United States authorities may be required by law, the Department shall obtain the requisite permit or consent.

Section 5. Authority Herein Granted is in Addition to Existing Authority of State Docks Department. All administration, supervision, authority and responsibility under this Act and operations conducted hereunder, vested in the Department, shall be in addition to all power, duties and authority conferred on the Department by any other statute, it being the intent of this Act that the authority, powers, responsibilities and duties imposed by this Act shall be in addition to and supplemental of the powers, authority, responsibilities and duties conferred or imposed on the Department by any other laws of the State.

Section 6. Acquisition of Property. In acquiring rights of way and property necessary for the construction of dock facilities and convenient approaches thereto in furtherance of the purposes of this Act, the Department shall have the power to acquire same by gift, lease, purchase, negotiation or condemnation. The Department shall have all powers with respect to the condemnation of properties for the purposes of this Act that were granted to that department in the 1957 Docks Act; and the exercise of such powers hereunder shall be subject to all limitations and conditions prescribed in the 1957 Docks Act.

Section 7. Current Indebtedness Hereunder. In any operations conducted under this Act, the Department may contract such current indebtedness as is necessarily incident to the progress of the work in accordance with the terms of this Act.

Section 8. The Bonds. In order to provide funds for the purposes of this Act, there are hereby authorized to be sold and issued bonds of the State not exceeding $1,500,000 in aggregate principal amount, under and subject to the provisions hereinafter set forth. The bonds shall be designated as Inland Waterway Improvement Bonds of the State. The bonds shall be general obligations of the State, for payment of the principal of and interest on which the full faith and credit of the State are hereby irrevocably pledged. The bonds may be issued from time to time in one

or more series, shall bear an appropriate series designation, shall be in such form and denominations and of such tenor and maturities, shall bear such rate or rates of interest payable in such manner, may contain provisions for redemption prior to maturity, and may contain other provisions not inconsistent herewith, all as shall be set forth in an order or resolution of the Department; provided, that the first installment of principal of the bonds of each series must mature not later than ten years from the date of such series and the last installment of principal of the bonds of any series must mature not later than thirty years from such date and provided, further, that any of the bonds having a stated maturity more than five years after its date shall be made subject to redemption at the option of the State at the end of the fifth year after the date of such bond and on any interest payment date thereafter under such terms and conditions as may be provided in the order or resolution whereunder such bond is authorized to be issued. The bonds shall be signed in the name of the State, or a facsimile thereof, shall be affixed thereto or engraved, of the Governor or the Director of the Department, and the Great Seal of the State, or a facsimile thereof, shall be affixed thereto or engraved, lithographed, or imprinted thereon and attested by either the facsimile or manually subscribed signature of the Secretary of State; provided, that the signature on the bonds of any one of the said officials shall be subscribed manually thereon. The bonds may be in either bearer or registered form, either as to principal or interest or both. Interest on the bonds shall be payable semiannually, interest on coupon bonds being evidenced by interest coupons attached thereto, each of which coupons shall be authenticated by the facsimile signature of the State Treasurer imprinted thereon. Bonds issued in coupon form may be exchanged for fully registered bonds or bonds registered as to principal only. Coupon bonds and registered bonds shall be interchangeable; and upon issuance of a coupon bond for a registered bond, all matured and unearned coupons on said bond shall be by the State Treasurer first clipped from said bond and then cancelled. Regulations for the registration of bonds and for interchange of registered and coupon bonds shall be set forth in the order or resolution authorizing the issuance of such bonds. The State Treasurer shall maintain a record of all of the bonds issued hereunder, and shall maintain a separate record of all of the bonds that are registered, including a record of the names and addresses of the registered holders thereof. No order or resolution providing for the authorization or sale of any of the bonds shall become effective until approved by the Governor. The action of the Department in adopting an order or resolution authorizing the sale of any of the bonds, and the action of the Governor in approving such order or resolution, shall be conclusive evidence that the funds to be derived from the bonds so authorized to be sold are actually needed at the time for the purposes for which bonds are herein authorized to be issued and that the proceeds of such bonds are intended only for such purposes.

Section 9. Sale of the Bonds. The bonds must be sold only at public sale, either on sealed bids or at public auction, to the bidder whose bid reflects the lowest net interest cost to the State for the bonds being sold, computed to their respective maturities; provided, that if no bid acceptable to the Department and the Governor is received all bids may be rejected. Notice of each such sale shall be given by publication in either a financial journal or a financial newspaper published in the City of New York, New York, and also by publication in a newspaper published in the State which is customarily published not less often than six days during each calendar week, each of which notices must be published at least one time not less than ten days prior to the date fixed for the sale. The Department may fix the terms and conditions under which each such sale may be held; provided, that none of the bonds may

be sold for a price less than the face value thereof; and provided further, that such terms and conditions shall not conflict with any of the requirements of this Act.

Section 10. Proceeds from the Sale of the Bonds. The proceeds from the sale of any of the bonds (other than refunding bonds) shall be paid into the State Treasury and kept by the State Treasurer in a separate account and paid over to the Secretary-Treasurer of the Department from time to time in such amounts as shall be directed by the Governor and the money so paid over to the Secretary-Treasurer of the Department shall be held and used only for the accomplishment of the purposes of this Act, and specifically for payment of the cost of acquiring, by construction or otherwise, maintaining and operating, or any of them, dock facilities along navigable streams and waterways now or hereafter existing within the State, in aid of commerce and use of navigable waterways of the State. The cost of acquiring any dock facilities that may be acquired with the proceeds of bonds issued under this Act shall be deemed to include, inter alia, (a) fees of engineers and attorneys and other expenses incidental to such acquisition; and (b) the cost of issuing those of the bonds that may be issued to provide funds for such acquisition. The proceeds derived from the sale of any refunding bonds issued hereunder shall be used only as provided in Section 12A of this Act.

Section 11. Appropriation for Payment of Principal and Interest. There is hereby appropriated for the payment of the principal of and interest on any bonds issued hereunder under the 1957 Docks Act or under the 1959 Docks Act so much as may be necessary for that purpose of any moneys in the General Fund of the state not otherwise appropriated.

Section 12. Application of Revenues from Inland Waterways Facilities. The gross revenues derived from the operation of each unit of development comprising a part of the inland waterways facilities shall be applied for the following purposes in the following order: (a) payment of the expenses of operating and maintaining in good operating condition the unit of development from which such revenues are derived; and (b) payment of the expenses of operating and maintaining in good condition any other unit of development or units of development comprising a part of the inland waterways facilities. Whenever the gross revenues received by the department from the inland waterways facilities during a fiscal year shall be greater than the expenses of operating and maintaining in good operating condition the inland waterways system during that fiscal year, then the revenues from the inland waterways system remaining at the end of that fiscal year after compliance with the first sentence of this section shall be applied for that one or more or all of the following purposes that may be designated by the department, the sums to be so applied to be in such amounts and to be applied in such manner as the department may designate: (1) retention of such amounts, for use as working capital for the inland waterways facilities as the department may determine to be reasonably necessary for such purpose; (2) payment of the cost of capital improvements and additions to the inland waterways facilities; and (3) payment at their respective maturities of the principal of or interest on any bonds theretofore issued and at the time outstanding under the 1957 Docks Amendment; provided, however, that the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1957 Docks Act shall, to such extent as may be required by the provisions of the 1957 Docks Act, be applied for pay-

ment at their respective maturities of those bonds issued under the 1957 Docks Act for payment into the sinking fund created in that act, and the revenues from the operation of any unit of development the acquisition or construction of which was financed wholly or in part with bonds issued under the 1959 Docks Act shall, to such extent as may be required by the provisions of the 1959 Docks Act, be applied for payment at their respective maturities of the principal of and the interest on those bonds issued under the 1959 Docks Act and for payments into the sinking fund created in that Act.

Section 12A. Refunding Bonds and Investments. The State may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any matured or unmatured bonds of the state then outstanding which were theretofore issued under any one or more of this Act, or the 1957 Docks Act, or the 1959 Docks Act. The proceeds derived from the sale of such refunding bonds shall be paid to the State Treasurer and disbursed on order or resolution of the department solely to refund and retire those bonds for the refunding of which such refunding bonds are authorized to be issued, and to pay the expenses incurred in such refunding; provided, that pending the time such refunding can be consummated such proceeds may be invested as herein authorized. All provisions of this Act pertaining to bonds issued under this Act that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to the refunding bonds issued hereunder. The principal proceeds from the sale of any bonds issued hereunder, when not needed for the purposes for which such bonds were issued, and any other moneys received hereunder, when not needed for the purposes for which such moneys may be used, may at the discretion of the Director, with the approval of the Governor, be invested in direct general obligations of the United States of America and the earnings on any investment so made shall be used in the same manner that the moneys so invested are herein provided to be used.

Section 13. Separate Records as to Each Unit of Development. The Department shall establish and maintain a separate record with respect to each unit of development that may have been or may be acquired constructed or operated in whole or in part under the provisions of this Act or the 1957 Docks Act, or the 1959 Docks Act. Each such separate record shall show (a) the total amount of the Capital investment in each such unit of development, including (i) the amount of such capital investment derived from the proceeds of the bonds issued hereunder or under the 1957 Docks Act or the 1959 Docks Act; and (ii) the amount, if any, of the said capital investment derived from any other source; (b) the expenses of operating each such unit of development; and (c) the gross revenues derived from the operation of each such unit of development. In the event any proceeds from bonds issued either under this Act or the 1957 Docks Act or the 1959 Docks Act shall be used to pay any of the operating expenses of any unit of development, the amount of bond proceeds so used shall be deemed a part of the capital investment in such unit of development.

Section 13A. Use of Surplus Revenues of Port of Mobile Facilities to Pay Operating Deficit of Inland Waterways Facilities. If it shall be determined by the department at the end of any fiscal year that there are surplus revenues of the Port of Mobile facilities with respect to that fiscal year and an operating deficit of the inland waterways facilities with respect to that fiscal year, then any such surplus revenues may, to such extent as may be directed by the department, be used to meet any such operating deficit.

Section 14. Authorization of Charges. The Department shall have the right and power to fix from time to time and to collect reasonable rates and charges for services rendered by, and for the use of, dock facilities acquired, constructed or operated pursuant to the provisions of this Act.

Section 15. Revocation of Licenses. Any license heretofore granted by the State, either expressly or by implication, permitting the upland owner to occupy any part of the space between the high water mark and the low water mark of any navigable waterway of this State, or along the banks of any river, stream or waterway of this State, may be revoked or cancelled by the Department in the same manner and subject to the same conditions as those set forth in Section 16 of the 1957 Docks Act.

Section 16. Bonds and Interest Thereon Exempt from Taxation. Any bonds issued pursuant to the authority of this Act and the interest thereon shall be exempt from all taxation by the State of Alabama or any political subdivision thereof.

Section 17. Severability. If any portion of this Act should be held invalid for any cause, such invalidity shall not affect the remaining portions of this Act, which shall remain in full force and effect as to all portions thereof not declared invalid, the Legislature hereby expressly declaring that it would have adopted the remaining portion of this Act notwithstanding the portion thereof declared to be invalid.

Section 18. Effective Date of this Act. This Act shall become effective upon its passage and approval by the Governor or its otherwise becoming a Law.

Which was adopted.

Yeas 23; Nay 1.

Yeas:

Messrs.:	Cooper	Godfrey	Leonard
Archer	Crawford	Golson	Porter
Barnett	Eddins	Graham	Robison
Berryman	Farmer	Green	Webb
Caffey	Gaither	Haltom	Wilson
Clark	Givhan	Hines	Word

—23

Nay: Mr. Turner —1

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Berryman	Crawford	Gaither
Andrews	Caffey	deGraffenried	Godfrey
Archer	Clark	Eddins	Golson
Barnett	Cooper	Farmer	Graham

Haltom	Leonard	Samford	Wilson
Hines	Robison	Turner	Word

—23

Nays: —0

The Bill:

S. 534. To provide that any city in the state of more than 30,000 population according to the last or any subsequent federal decennial census which is organized under a commission form of government may come within and be governed by the provisions of this act upon the adoption and publication of an ordinance by the governing body thereof electing so to do; to provide that the members of the governing body serving at the time of the adoption of such ordinance shall continue to serve until the qualification of their successors; to provide that all laws, ordinances, resolutions and appointments in force when the municipality comes under this act shall remain in force until repealed or altered; to provide for the election and term of office of commissioners; to establish the qualifications of candidates for commissioners' positions; to provide for the distribution of the powers of the muncipality among the commissioners; to provide for meetings of the board of commissioners and the manner of adopting ordinances and resolutions; to provide that no franchise, lease or right shall become effective until thirty days after the granting thereof; to provide for the election of a Recorder; to require the posting of a bond by commissioners; to prohibit commissioners from holding other public offices; to prohibit any commissioner, officer or employees of the municipality from having any interest in any contract with the municipality; to bar persons related to any commissioner from holding public office; to provide punishment for violation of such prohibitions; to require the publication of financial reports of the municipality; to provide for the filling of any vacancies that may occur in the membership of the board; to provide for the salaries of commissioners and other disbursements of the municipality; to provide that meetings of the board of commissioners shall be open to the public; and to provide a manner for changing the form of government of the municipality.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 19; Nays 0.

Yeas:

Messrs.:	Clark	Graham	Moses
Andrews	Farmer	Green	Samford
Archer	Gaither	Haltom	Webb
Barnett	Godfrey	Hines	Wilson
Caffey	Golson	Kendall	Word

—19

Nays: —0

The Bill:

S. 606. To amend Act No. 528, S. 396, Regular Session 1957, an act relating to the public school (Acts of Alabama, Reg. Sess. 1957, vol. II, p. 723).

Was read a third time at length and passed, and ordered sent forth-

with to the House without engrossment:

Yeas 27; Nays 0.

Yeas:

Messrs:	Crawford	Golson	Porter
Andrews	deGraffenried	Graham	Robison
Archer	Eddins	Green	Samford
Barnett	Farmer	Haltom	Turner
Berryman	Gaither	Hines	Webb
Clark	Givhan	Kendall	Wilson
Cooper	Godfrey	Moses	Word

—27

Nays: —0

The Bill:

S. 632. Proposing an amendment to the Constitution of Alabama relative to the board of trustees of Auburn University.

was taken up.

The Standing Committee on Judiciary reported the following amendment to the Bill, to-wit:

AMENDMENT TO S. B. 632

In Section 1 of the proposed constitutional amendment, first sentence, strike out "state at large" and insert "most populous county in the state"; also, before "superintendent of education" insert the word "state"

In the last sentence of Section 1 of the proposed constitutional amendment, strike out "for appointment to its board of trustees" and insert "to serve on its board of trustees"

In Section 2 of the proposed constitutional amendment, strike out the words "is hereby repealed" and insert "and all statutes enacted in pursuance thereof are hereby repealed"

On motion of Mr. Samford, the Committee amendment was laid on the table.

Mr. Samford then offered the following amendment to the Bill, to-wit:

AMENDMENT TO S.B. 632

In Section 1, strike out Section 1 of the proposed constitutional amendment entirely and insert the following in lieu thereof:

"Section 1. Auburn University, formerly called the Alabama Polytechnic Institute, shall be under the management and control of a board of trustees. The board of trustees shall consist of two members from the

congressional district in which the institution is located, one from each of the other congressional districts in the state as the same were constituted on the first day of January 1961, the state superintendent of education, and the governor, who shall be ex officio president of the board. The trustees shall be appointed by the governor, by and with the advice and consent of the senate, and shall hold office for a term of twelve years, and until their successors shall be appointed and qualified. The board shall be divided into three classes, as nearly equal as may be, so that one-third may be chosen quadrennially. Vacancies occurring in the office of trustees from death or resignation shall be filled by the governor, and such appointee shall hold office until the next meeting of the legislature. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be appointed as herein required. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. No employee of Auburn University shall be eligible to serve on its board of trustees."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Moses
Archer	Dumas	Graham	Robison
Barnett	Eddins	Green	Samford
Clark	Farmer	Haltom	Shelton
Cooper	Gaither	Hines	Wilson
Crawford	Givhan	Kendall	Word

—23

Nays: —0

And said Bill, as thus amended, was then read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nay 1.

Yeas:

Messrs.:	Cooper	Gaither	Kendall
Archer	Crawford	Godfrey	Robison
Barnett	deGraffenried	Graham	Samford
Berryman	Dumas	Green	Wilson
Caffey	Eddins	Haltom	Word
Clark	Farmer	Hines	

—22

Nay: Mr. Turner —1

The Bill:

S. 161. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of

Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

was taken up.

The Standing Committee on Finance and Taxation offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR S. B. 161.

A BILL

TO BE ENTITLED

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year, and the money appropriated therefor shall be expended only for such purposes, and the total amounts herein appropriated therefor shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of any items of personal property.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for each of the two fiscal years ending September 30, 1962 and September 30, 1963, respectively; and, except as may be otherwise expressly provided, the appropriations herein made in Section 3 to 15, inclusive, shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. DEPARTMENT OF EDUCATION:

A. For the Department of Education:

For the fiscal year ending September 30, 1962:

For the salary of the State Superintendent	$ 10,000.00	
For other salaries	275,000.00	
For other expenses	99,364.00	
For rental expense	68,136.00	
For equipment purchases	1,686.00	
For transfer to State Personnel Department	6,527.00	
Total		$ 460,713.00

For the fiscal year ending September 30, 1963:

For the salary of the State Superintendent	10,000.00	
For other salaries	285,000.00	
For other expenses	99,364.00	
For rental expense	68,136.00	
For equipment purchases	1,806.00	
For transfer to State Personnel Department	6,527.00	
Total		470,833.00

B. To the Department of Education for Plans and Surveys:

For the fiscal year ending September 30, 1962:

For salaries	17,062.00	
For other expenses	2,809.00	
Total		19,871.00

For the fiscal year ending September 30, 1963:

For salaries	18,289.00	
For other expenses	3,011.00	
Total		21,300.00

C. National Defense Education Program:

For the fiscal year ending September 30, 1962: ---------- 100,000.00

For the fiscal year ending September 30, 1963: ---------- 80,000.00

(The above appropriation to be expended for Title III and Title V Programs exclusively.)

Section 4. STATE BOARD OF EDUCATION:

A. Agricultural and Mechanical

Institute at Normal, Alabama:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the Institute ---------- 905,311.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the of the Institute ---------- 1,039,902.00

B. Alabama State College for Negroes:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the College ---------- 1,009,830.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the College ---------- 1,082,313.00

C. Civilian Rehabilitation:

For the fiscal year ending September 30, 1962:

For the rehabilitation of handicapped individuals ---------- 675.164.00

For the fiscal year ending September 30, 1963:

For the rehabilitation of handicapped individuals ---------- 723,621.00
(No administrative costs included herein)

D. Free Textbooks:

For the fiscal year ending September 30, 1962:

For salaries ----------	16,738.00
For other expenses ----------	12,006.00
For purchase of free textbooks ----------	500,000.00

Total		528,744.00
For the fiscal year ending September 30, 1963:		
For salaries	17,940.00	
For other expenses	12,869.00	
For purchase of free textbooks	500,000.00	
Total		530,809.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools.

E. Minimum Program Fund:

In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1962, the sum of $95,521,538.00 and for the fiscal year ending September 30, 1963, the sum of $102,385,959.00 to be known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

F. Physical Restoration of

Crippled Children:

For the fiscal year ending September 30, 1962:

Handicapped Individuals _____ 585,391.00

For the fiscal year ending September 30, 1963:

Handicapped Individuals _____ 627,405.00

G. Regional Education:

For the fiscal year ending September 30, 1962 _____ 75,177.00

For the fiscal year ending September 30, 1963 _____ 80,572.00

H. Student Aid in Graduate and Professional Fields:

For the fiscal year ending September 30, 1962 _____ 85,275.00

For the fiscal year ending September 30, 1963 _____ 91,395.00

I. The State Colleges:

(a) Florence State College,

For the fiscal year ending September 30, 1962 _____ 89,427.00

For the fiscal year ending September 30, 1963 _____ 95,500.00

(b) Jacksonville State College,

For the fiscal year ending September 30, 1962 _____ 89,427.00

For the fiscal year ending September 30, 1963 _____ 95,500.00

(c) Livingston State College,

For the fiscal year ending September 30, 1962 _____ 82,872.00

For the fiscal year ending September 30, 1963 _____ 88,500.00

(d) Troy State College,

For the fiscal year ending September 30, 1962 _____ 82,872.00

For the fiscal year ending September 30, 1963 _____ 88,500.00

J. Teachers Training Equalization Fund:

For the teachers training program at State Colleges at Florence, Jacksonville, Livingston and Troy,		
For the fiscal year ending September 30, 1962		2,191,122.00
For the fiscal year ending September 30, 1963		2,348,379.00

K. Vocational Education:

For the fiscal year ending September 30, 1962:		
For salaries	28,083.00	
For other expenses	19,665.00	
For equipment purchases	1,404.00	
Disbursements to Local Boards and Institutions	4,722,874.00	
Total		4,772,026.00
For the fiscal year ending September 30, 1963:		
For salaries	30,099.00	
For other expenses	21,076.00	
For equipment purchases	1,505.00	
Disbursements to Local Boards and Institutions	5,061,835.00	
Total		5,114,515.00

L. Vocational Trade Schools:

For the fiscal year ending September 30, 1962:	
For operation and maintenance:	
(a) Alabama School of Trades	245,000.00
(b) George C. Wallace at Napier	253,126.00
(c) Huntsville (Negro)	50,000.00
(d) J. P. Shelton at Tuscaloosa	201,120.00
(e) Mobile (White)	204,754.00
(f) Mobile (Negro)	63,000.00
(g) Montgomery	150,000.00
(h) Tennessee Valley at Decatur	341,962.00
(i) Wenonah	180,658.00
For the fiscal year ending September 30, 1963:	
For operation and maintenance:	
(a) Alabama School of Trades	265,000.00
(b) George C. Wallace at Napier	271,293.00
(c) Huntsville (Negro)	50,000.00
(d) J. P. Shelton at Tuscaloosa	215,555.00
(e) Mobile (White)	219,449.00

(f) Mobile (Negro)		119,420.00
(g) Montgomery		200,000.00
(h) Tennessee Valley at Decatur		366,504.00
(i) Wenonah		193,624.00

Section 5. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the fiscal year ending September 30, 1962:		
For the operation and maintenance of the Alabama Boys' Industrial School		302,195.00
For the fiscal year ending September 30, 1963:		
For the operation and maintenance of the Alabama Boys' Industrial School		301,013.00

Section 6.

BOARD OF TRUSTEES OF ALABAMA COLLEGE:

For the fiscal year ending September 30, 1962:		
For the operation and maintenance of the College		683,753.00
For purchase of Scientific Equipment to be matched by Federal Funds		25,000.00
For the fiscal year ending September 30, 1963:		
For the operation and maintenace of the College		732,826.00

Section 7.

ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For the fiscal year ending September 30, 1962:		
For salaries	113,689.50	
For other expenses	132,181.50	
For equipment purchases	14,384.00	
For equipment purchases at Mobile Station	17,000.00	
For additions and betterments at Mobile Station	15,000.00	
For additions and betterments at Montgomery Station	25,000.00	
Total		317,255.00
For the fiscal year ending September 30, 1963:		

For salaries	121,134.50	
For other expenses	140,246.50	
For equipment purchases	15,417.00	
For equipment purchases at Mobile Station	17,000.00	
Total		293,798.00

Section 8.

BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:

For the fiscal year ending September 30, 1962:	
For operation and maintenance of the Alabama Industrial School for Negroes	234,277.00
For the fiscal year ending September 30, 1963:	
For operation and maintenance of the Alabama Industrial School for Negroes	230,916.00

Section 9.

BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

For the fiscal year ending September 30, 1962:	
For operation and maintenance of the school	844,478.00
For salaries and expenses incident to instruction of Adult Blind	112,204.00
For the fiscal year ending September 30, 1963:	
For operation and maintenance of the school	905,087.00
For salaries and expenses incident to instruction of Adult Blind	120,257.00

Section 10.

BOARD OF TRUSTEES OF AUBURN UNIVERSITY:

A. The College:

For the fiscal year ending September 30, 1962:	
(1) For operation and maintenance	4,524,384.00
(2) For operation and maintenance of Farm Machinery Building	13,464.00
(3) Engineering Experiment Station	94,251.00
(4) Television Education	103,227.00
(5) For instruction in forestry and training for agricultural students	50,985.00

For the fiscal year ending September 30, 1963:

(1)	For operation and maintenance	4,849,100.00
(2)	For operation and maintenance of Farm Machinery Building	14,430.00
(3)	Engineering Experiment Station	101,015.00
(4)	Television Education	110,636.00
(5)	For instruction in forestry and training for agricultural students	54,644.00

B. Extension Work for Agriculture and Home Economics:

For the fiscal year ending September 30, 1962:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services 1,325,950.00

For the fiscal year ending September 30, 1963:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services 1,421,113.00

The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal Government.

C. Agriculture Research:

For the fiscal year ending September 30, 1962:

(1)	Alabama Agricultural Experiment Station at Auburn, for work and experimentation	806,201.00
(2)	For Floriculture and ornamental horticulture study and research	23,410.00
(3)	Tennessee Valley Branch Station located at Bell Mina in Limestone County	23,410.00
(4)	Sand Mountain Branch Station located at Crossville in DeKalb County	23,410.00
(5)	Black Belt Branch Station located at Marion Junction in Dallas County	23,410.00
(6)	Wiregrass Branch Station located in Headland in Henry County	23,410.00
(7)	Gulf Coast Branch Station located at Fairhope in Baldwin County	23,410.00
(8)	Piedmont Experiment Branch Station	23,410.00
(9)	Upper Coastal Plains Branch Station	23,410.00
(10)	Lower Coastal Plains Branch Station	23,410.00
(11)	For the support of researches and experi-	

	ment on experiment fields	36,052.00
(12)	Horticultural Branch Station in Chilton County	23,410.00
(13)	Horticulture Branch Station in North Alabama	23,410.00
(14)	Wiregrass Experiment Station at Headland, Alabama	12,642.00
	(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)	
(15)	Co-operative research at the Agricultural and Experimental Substations	84,277.00
(16)	Research in Forestry	56,185.00
	For the fiscal year ending September 30, 1963:	
(1)	Alabama Agricultural Experiment Station at Auburn, for work and experimentation	864,062.00
(2)	For floriculture and ornamental horticulture study and research	25,090.00
(3)	Tennessee Valley Branch Station located at Bell Mina in Limestone County	25,090.00
(4)	Sand Mountain Branch Station located at Crossville in DeKalb County	25,090.00
(5)	Black Belt Branch Station located at Marion Junction in Dallas County	25,090.00
(6)	Wiregrass Branch Station located at Headland in Henry County	25,090.00
(7)	Gulf Coast Branch Station located at Fairhope in Baldwin County	25,090.00
(8)	Piedmont Experiment Branch Station	25,090.00
(9)	Upper Coastal Plains Branch Station	25,090.00
(10)	Lower Coastal Plains Branch Station	25,090.00
(11)	For the support of researches and experiment on experiment fields	38,639.00
(12)	Horticultural Branch Station in Chilton County	25,090.00
(13)	Horticultural Branch Station in North Alabama	25,090.00
(14)	Wiregrass Experiment Station at Headland, Alabama	13,549.00
	(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)	

(15) Cooperative research at the Agricultural and Experimental Substations _____ 90,326.00
(16) Research in Forestry _____ 60,218.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1962 and September 30, 1963.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

Section 11.

BOARD OF CONTROL OF THE

TEACHER'S RETIREMENT SYSTEM:

For the fiscal year ending September 30, 1962:

For the Teachers' Retirement System ___ 4,806,000.00

For the Teachers' Special Pension Fund, estimated ---------- 1,400,000.00

For the fiscal year ending September 30, 1963:

For the Teachers' Retirement System --- 5,044,800.00
For the Teachers' Special Pension Fund, estimated ---------- 1,500,000.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund and Teachers' Special Fund.

Section 12.

BOARD OF TRUSTEES OF THE STATE TRAINING SCHOOL FOR GIRLS:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the State Training School for Girls ----- 166,154.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the State Training School for Girls ----- 172,002.00

Section 13.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

For the fiscal year ending September 30, 1962:

(1) For operation and maintenance ---------- 4,938,894.00
(2) For School of Nursing ---------- 118,850.00
(3) For Tuberculosis Nursing (Education) -- 22,009.00
(4) For Research and Extension ---------- 264,112.00
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957 ---------- 12,267.00

For the fiscal year ending September 30, 1963:

(1) For operation and maintenance -------- 5,293,358.00
(2) For School of Nursing ---------- 127,380.00
(3) For Tuberculosis Nursing (Education) -- 23,589.00
(4) For Research and Extension ---------- 283,067.00
(5) For State Scholarship Program for stu-

dents in School of Nursing under the provisions of Act No. 591, Regular Session, 1957 ---------- 13,147.00

B. The University of Alabama Medical Center:

For the fiscal year ending September 30, 1962:

(1) For the Medical College:
For maintenance and operation ---------- 1,265,560.00

(2) For University Hospital:

For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care ---------- 640,448.00

(3) For the School of Dentistry:
For maintenance and operation ---------- 748,317.00

For the fiscal year ending September 30, 1963:

(1) For the Medical College:
For maintenance and operation ---------- 1,360,336.00

(2) For University Hospital:

For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care ---------- 682,466.00

(3) For the School of Dentistry:
For maintenance and operation ---------- 802,024.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Section 9, 1945 Acts, page 325.

Section 14.

STATE TENURE COMMISSION

For expense of operation ---------- 4,682.00

Section 15.

SYLACAUGA NURSES TRAINING SCHOOL:

For the operation and maintenance of the Nurses Training School at Sylacauga 37,456.00

Section 16.

In addition to the appropriations hereinabove made, if the Governor determines that there are sufficient funds available in the Alabama special Educational Trust Fund the following sums and amounts are hereby appropriated in accordance with and subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55

of the Code of Alabama 1940)

Section 17.

DEPARTMENT OF EDUCATION:

A.	For the Department of Education:		
	For other salaries	$ 17,646.00	
	For other expenses	7,120.50	
	For equipment purchases	94.50	
	Total		24,861.00
B.	For the Department of Education for Plans and Surveys:		
	For salaries	970.50	
	For other expenses	159.00	
	Total		1,129.50
C.	National Defense Education Program:		
	For salaries, other expenses and equipment purchases		3,996.00

Section 18.

STATE BOARD OF EDUCATION:

A.	Agricultural and Mechanical Institute at Normal, Alabama:		
	For the operation and maintenance of the Institute		47,245.50
B.	Alabama State College for Negroes:		
	For the operation and maintenance of the College		57,459.00
C.	Civilian Rehabilitation:		
	For the rehabilitation of handicapped individuals		38,416.50
	(No administrative costs included herein)		
D.	Free Textbooks:		
	For salaries	951.00	
	For other expenses	682.50	
	For purchase of free textbooks	42,820.50	
	Total		44,454.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools.

E. Minimum Program Fund:

In addition to all other funds appropriated for the public

elementary and high schools of the State, there is hereby appropriated to the State Board of Education the sum of $5,440,230.00 to be known as the Minimum Program Fund, which, in accordance with the Statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

F.	Physical Restoration of Crippled Children:		
	For Handicapped Individuals		33,309.00
G.	Regional Education		4,276.50
H.	Student aid in Graduate and Professional Fields		4,851.00
I.	Teacher Training Equalization Fund:		
	For the teachers training program at State Colleges at Florence, Jacksonville, Livingston and Troy		144,285.00
J.	Vocational Education:		
	For salaries	1,597.50	
	For other expenses	1,117.50	
	For equipment purchases	79.50	
	Disbursements to Local Boards and Institutions	268,735.50	
	Total		271,530.00

K. Vocational Trade Schools:

For operation and maintenance:

(a) Alabama School of Trades	13,404.00
(b) George C. Wallace at Napier	14,403.00
(c) J. P. Shelton at Tuscaloosa	11,437.50
(d) Mobile (White)	11,650.50
(e) Montgomery	11,379.00
(f) Tennessee Valley at Decatur	19,456.50
(g) Wenonah	10,279.50

Section 19.

BOARD OF TRUSTEES OF
ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the operation and maintenance of the Alabama Boys' Industrial School ... 14,919.00

Section 20.

BOARD OF TRUSTEES OF
ALABAMA COLLEGE:

For the operation and maintenance of the College ... 38,905.50

Section 21.

ALABAMA EDUCATIONAL
TELEVISION COMMISSION:

For salaries	5,902.50	
For other expenses	6,393.00	
For equipment purchases	817.50	
Total		13,113.00

Section 22.

BOARD OF TRUSTEES OF ALABAMA
INDUSTRIAL SCHOOL FOR NEGROES:

For operation and maintenance of the Alabama Industrial School for Negroes 11,242.50

Section 23.

BOARD OF TRUSTEES OF ALABAMA
INSTITUTE FOR DEAF AND BLIND:

For operation and maintenance of the school	48,051.00
For salaries and expenses incident to instruction of Adult Blind	6,384.00

Section 24.

BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance	257,440.50
(2) For operation and maintenance of Farm Machinery Building	765.00
(3) Engineering Experiment Station	5,362.50
(4) Television Education	5,872.50
(5) For instruction in forestry and training for agricultural students	2,901.00

B. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services	75,447.00

The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agricultural Research:

(1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation	45,873.00
(2) For floriculture and ornamental horticulture study and research	1,332.00
(3) Tennessee Valley Branch Station located at Bell Mina in Limestone County	1,332.00
(4) Sand Mountain Branch Station located at Crossville in DeKalb County	1,332.00
(5) Black Belt Branch Station located at Marion Junction in Dallas County	1,332.00
(6) Wiregrass Branch Station located at Headland in Henry County	1,332.00
(7) Gulf Coast Branch Station located at Fairhope in Baldwin County	1,332.00
(8) Piedmont Experiment Branch Station	1,332.00
(9) Upper Coastal Plains Branch Station	1,332.00
(10) Lower Coastal Plains Branch Station	1,332.00
(11) For the support of researches and experiment on experiment fields	2,050.50
(12) Horticultural Branch Station in Chilton County	1,332.00
(13) Horticultural Branch Station in North Alabama	1,332.00

(14) Wiregrass Experiment Station at Headland, Alabama ---------- 718.50

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)

(15) Co-operative research at the Agricultural and Experimental Substation ---------- 4,794.00

(16) Research in Forestry ---------- 3,196.50

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1962 and September 30, 1963.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of Agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the

printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

Section 25.

BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

For the Teachers' Retirement System ___ 273,465.00

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

Section 26.

BOARD OF TRUSTEES OF THE STATE TRAINING SCHOOL FOR GIRLS:

For the operation and maintenance of the State Training School for Girls _____ 8,599.50

Section 27.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance _____ 277,599.00

(2) For School of Nursing _____ 6,895.50

(3) For Tuberculosis Nursing (Education) __ 1,276.50

(4) For Research and Extension _____ 15,322.50

(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957 _____ 714.00

B. The University of Alabama Medical Center:

(1) For the Medical College:
For maintenance and operation _____ 76,614.00

(2) For University Hospital:
For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care _____ 33,964.50

(3) For the School of Dentistry:
For maintenance and operation _____ 43,413.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Sec-

tion 9, 1945 Acts, page 325.

Section 28.

STATE TENURE COMMISSION:

For expense of operation ---------- 265.50

Section 29.

SYLACAUGA NURSES TRAINING SCHOOL:

For the operation and maintenance of the Nurses Training School at Sylacauga --- 2,130.00

Section 30.

No appropriation made in Section 17 to 29 inclusive of this act shall be budgeted or allotted by the State Budget Officer until he is directed so to do by the Governor after the Governor has determined that such funds or any part thereof are available in the Alabama Special Educational Trust Fund.

Section 31.

The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper benficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, Auburn University, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School for Negroes, the State Training School for Girls, the Alabama Educational Television Commission and for the Teachers' Retirement System by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 32.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 33.

This Act shall become effective October 1, 1961.

Mr. Shelton offered the following amendment to the substitute for the Bill, to-wit:

AMENDMENT TO FINANCE AND TAXATION

COMMITTEE SUBSTITUTE

Amend Finance and Taxation Committee Substitute for House Bill

17 by striking therefrom on pages 3 and 4 of the bill the whole subsection D of Section 4, and insert in lieu thereof the following:

"D. Free Textbooks

For the fiscal year ending September 30, 1962:		
For salaries	16,738.00	
For other expenses	12,006.00	
For purchase of free textbooks	401,590.00	
Total		430,334.00
For the fiscal year ending September 30, 1963:		
For salaries	17,940.00	
For other expenses	12,869.00	
For purchase of free textbooks	399,910.00	
Total		430,719.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools."

Further amend Finance and Taxation Committee Substitute for House Bill 17 by adding at the end of Section 4 on page 6 of the bill the following:

"M. Elementary Teacher Scholarship Fund:

For the fiscal year ending September 30, 1962	23,410.00
For the fiscal year ending September 30, 1963	25,090.00"

Which was adopted.

And the substitute for the Bill as thus amended was then adopted.

Yeas 29; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Moses	
Andrews	deGraffenried	Graham	Robison	
Archer	Dumas	Green	Samford	
Barnett	Edens	Haltom	Shelton	
Berryman	Farmer	Hines	Webb	
Caffey	Gaither	Kendall	Wilson	
Clark	Givhan	Leonard	Word	
Cooper	Godfrey			—29

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Porter	
Andrews	deGraffenried	Graham	Robison	
Archer	Dumas	Green	Samford	
Barnett	Eddins	Haltom	Shelton	
Berryman	Farmer	Hines	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper				—28

Nays: —0

The Bill:

S. 583. To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public library facilities for lease to the respective municipalities in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a non-foreclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease; to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions

of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Crawford	Godfrey	Moses
Andrews	deGraffenried	Golson	Porter
Archer	Dumas	Green	Robison
Barnett	Eddins	Haltom	Shelton
Berryman	Farmer	Hines	Turner
Clark	Gaither	Kendall	Webb
Cooper	Givhan	Leonard	Wilson

—27

Nays: —0

The Bill:

S. 525. To provide for the taking up of neglected, disabled, and cruelly treated animals; the return of such animals to the owner or keeper, and the payment of expenses thereby incurred.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Givhan	Hines
Andrews	Crawford	Godfrey	Kendall
Archer	deGraffenried	Golson	Leonard
Barnett	Dumas	Graham	Robison
Berryman	Eddins	Green	Webb
Caffey	Farmer	Haltom	Wilson
Clark			

—24

Nays: —0

The Bill:

S. 597. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

Was read a third time at length as required by the Constitution and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Gaither	Hines	
Andrews	Crawford	Givhan	Kendall	
Archer	deGraffenried	Godfrey	Leonard	
Barnett	Dumas	Graham	Samford	
Berryman	Eddins	Green	Turner	
Caffey	Farmer	Haltom	Webb	
Clark				—24

Nays: —0

The Bill:

S. 656. Relating to elections; amending Code 1940, Title 17, Section 172, to prescribe the time for opening and closing the polls on election day.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment:

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clark	Godfrey	Kendall	
Andrews	Cooper	Golson	Leonard	
Archer	Crawford	Graham	Robison	
Barnett	deGraffenried	Green	Turner	
Berryman	Eddins	Haltom	Webb	
Caffey	Givhan	Hines	Wilson	
				—23

Nays: —0

The Bill:

S. 650. To authorize the governing body of any county of this State having a population of not less than 60,500 nor more than 65,000 inhabitants to create a county planning commission; to permit members of the county governing body, including its presiding officer, to serve on a county planning commission; to provide for the organization, powers, jurisdiction, personnel, and financial and legal status of such commissions; to authorize counties to adopt regulations for the subdivision of land within the county and to provide for their administration through a county planning commission; to authorize counties to divide the county into districts and within such districts regulate the use of land, the height, bulk, and use of buildings the density of population; to provide for county boards of zoning adjustment and define the authority, powers and functions of such boards, and the procedure and appeals from their decisions; to provide remedies in the enforcement of resolutions and regulations made by counties under the authority of this act; to provide for penalties for violations thereof; and to provide for counties and municipalities to join with other counties or municipalities to create a joint planning commission.

Was read a third time at length and passed, and ordered sent forth-

with to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Leonard	Samford
Archer	Farmer	Moses	Webb
Barnett	Golson	Porter	Wilson
Caffey	Graham	Roberts	Word
Clark	Green	Robison	Wyatt
Cooper			

—24

Nays: —0

The Bill:

S. 654. To amend Section 1 of Act No. 382, H. 834, approved September 9, 1955, authorizing and empowering the director of the highway department to issue special permits for the movement of certain oversized vehicles over the public highways of the State (Acts of 1955, p. 916).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Moses
Andrews	Crawford	Graham	Porter
Archer	deGraffenried	Green	Robison
Barnett	Dumas	Haltom	Rutledge
Berryman	Eddins	Hines	Turner
Caffey	Farmer	Kendall	Webb
Clark	Givhan	Leonard	Wilson

—27

Nays: —0

The Bill:

S. 666. To amend Section 155, Title 8, Code of Alabama 1940, which requires licenses for certain shrimp catchers' boats, so as to reduce the license fee for certain size boats.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Caffey	Dumas	Givhan
Andrews	Cooper	Eddins	Haltom
Archer	Crawford	Farmer	Hines
Berryman	deGraffenried	Gaither	Kendall

Moses	Robison	Shelton	Webb
Porter	Rutledge	Turner	Wilson

—23

Nays: —0

The Bill:

S. 667. To amend Title 8, Section 132, Code of Alabama, which relates to the taking of seed oysters; to impose additional duties upon the director of the Department of Conservation.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Crawford	Graham	Porter
Andrews	deGraffenried	Green	Robison
Archer	Dumas	Haltom	Rutledge
Barnett	Eddins	Hines	Shelton
Berryman	Farmer	Kendall	Turner
Caffey	Gaither	Leonard	Webb
Clark	Givhan	Moses	Wilson
Cooper			

—28

Nays: —0

The Bill:

S. 668. To amend Section 3 of Act No. 632, page 1538, Acts of Alabama 1959, Regular Session, entitled "An Act Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions."

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Givhan	Kendall
Archer	deGraffenried	Godfrey	Leonard
Barnett	Dumas	Graham	Moses
Berryman	Eddins	Green	Robison
Caffey	Farmer	Haltom	Turner
Clark	Gaither	Hines	Wilson
Cooper			

—24

Nays: —0

The Bill:

S. 669. Relating to oysters; to amend Section 139 of Title 8, Code of Alabama 1940, as last amended, so as to eliminate the three cent (3c) per barrel tax thereon and increase the percentage of oyster shells to be returned to the reefs from thirty per cent (30%) to fifty per cent (50%).

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Crawford	Golson	Porter	
Archer	deGraffenried	Green	Robison	
Barnett	Dumas	Haltom	Rutledge	
Berryman	Eddins	Hines	Samford	
Caffey	Farmer	Kendall	Shelton	
Clark	Givhan	Moses	Webb	
Cooper	Godfrey			—25

Nays: —0

The Bill:

S. 670. To provide for an annual appropriation of $3,500.00 by the State of Alabama to the Gulf States Marine Fisheries Commission as the State of Alabama's prorated share of the annual operating expenses of said Commission.

Was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Leonard	
Andrews	Crawford	Golson	Moses	
Archer	deGraffenried	Graham	Robison	
Barnett	Eddins	Green	Shelton	
Berryman	Farmer	Haltom	Turner	
Caffey	Gaither	Hines	Webb	
Clark	Givhan	Kendall	Wilson	
				—27

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Callahan and Ferguson:

H. 241. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of

hospital, occupational, disease, injury and disability histories, X-Rays and to the laws of Alabama, or of the United States of America, including U. S. Veterans Hospitals, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, charts, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as all employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, injuries, disabilities, sickness, disease, mental and physical and nervous condition and disorders, duration and character of such ailments and disabilities, and the diagnosis, prognosis, progress, operations, incisions, contusions, concussions, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment and care and the charge sheet and costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, and when the custodian of such hospital records certifies and affirms in writing that the hospital was operated or organized under or pursuant to the laws of Alabama or of the United States of America, including U. S. Veterans Hospitals and that the same are a true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but that this shall not affect their admissibility; and to provide for the costs and the taxing and collection thereof for said copies and certificates and affirmance in writing thereto and the filing of said copies with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Also:

By Mr. Hanby:

H. 665. To regulate further the execution of certain contracts for public works; requiring contractors to use domestic products in public works projects.

Also:

By Messrs. Engel, Trimmier, Murphy, Turnham, Dodd, Britton and Harris:

H. 1128. To amend further Section 144 of Title 45, Code of Alabama 1940, which provides the allowance for feeding prisoners.

Also:

By Mr. Torbert:

H. 829. To amend Section 354 of Title 51 of the Code of Alabama 1940, relating to the due date of franchise tax.

Also:

By Mr. Torbert:

H. 830. To amend Section 345 of Title 51 of the Code of Alabama

1940, relating to foreign corporation permits.

Also:

By Mr. Torbert:

H. 831. To amend Section 346 of Title 51 of the Code of Alabama 1940, relating to domestic corporation permits.

Also:

By Messrs. Cates, Harvey, Hearn and Hawkins:

H. 222. Relating to elections; amending Code 1940, Title 17, Section 172, to prescribe the time for opening and closing the polls on election day.

Also:

By Mr. Cates:

H. 485. To make an appropriation for the relief of J. E. Rutherford.

Also:

By Mr. Jones (Covington):

H. 261. Proposing an amendment to the Constitution of Alabama providing for installation and use of voting machines in elections by all counties.

Also:

By Mr. Thomas:

H. 1370. To provide for the salary of the Chief Examiner of Public Accounts.

Also:

By Messrs. Johnson (Hardaway), Johnston (Leonard), Speaks and Goodwyn:

H. 664. To repeal subsection H. of Section 214, Title 26, Code of Alabama 1940, which relates to a disqualification for benefits under the unemployment compensation act (5 Code of Alabama 1955 Cumulative Pocket Part 265).

Also:

By Messrs. Johnson (Hardaway), Johnston (Leonard):

H. 910. To regulate spear fishing in the fresh and salt waters of this State; providing a license therefor; and providing a penalty for the violation of the provisions of this act.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

HB's 241, 665, 222, 261 and 664 — to the Committee on Judiciary.

HB's 1128, 829, 830, 831, 485, 1370 and 910 — to the Committee on Finance and Taxation.

(The above numbered Bill, H. B. 261, was read at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Mr. Goldthwaite:

H. 842. To amend Act No. 343, H. 71, approved August 20, 1957 (Acts of 1957, vol. I, p. 453) which provided further for the execution of certain public contracts and provides for competitive bidding for certain purchases by the state.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 842 — to the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Callahan:

H. 237. To provide further for service of process of courts on persons of unsound mind.

Also:

By Messrs. Bevill, Shumate, Gordon, Gross, Ferguson, Long (Perry), Hearn, Cabiness, Ray, Dodd, Self, Turner, Johnston (Leonard),

Smith (St. Clair), Albea, Johnson (Hardaway), Reynolds (Madison), Branyon and Guthrie:

H. 859. To create and establish the Tennessee-Mulberry Waterway Commission for the purpose of promoting the development of a waterway system in the State of Alabama connecting Guntersville Lake on the Tennessee River with Bankhead Lake on the Warrior River, utilizing Mulberry Fork and Brown's Creek as parts of the water route so developed; providing for the appointment and compensation of members of the commission; prescribing their powers and duties; prescribing the manner in which such a commission can be dissolved; and to make appropriations.

Also:

By Messrs. Turnham, Torbert, McLendon (Bullock), Dodd:

H. 277. To amend further Section 90 of Title 8, Code of Alabama 1940, as amended by Act No. 783, 1951 General Acts, Page 1378, approved September 11, 1951, entitled, "An Act To amend Section 90, Title 8, Code of Alabama 1940, relating to the penalty for killing wild turkey hens, does and unantlered male deer".

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 237 — to the Committee on Judiciary.

H. B. 859 — to the Committee on Finance and Taxation.

H. B. 277 — to the Committee on Forestry and Conservation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Taylor, Glass, Brooks, Dickson, Brannan, Salter, Owens, Bassett, Britton, Daniel, McCorquodale, Dunn, Nettles, Rogers, Speaks, Broadfoot, Long (Lauderdale), Ray, Gordon, Oden, Dodd, Cabiness, and Johnston (Leonard):

H. 912. To exempt certain bona fide residents of the state who are drawing disability insurance benefits under the federal Social Security Act from the requirements of procuring peddlers, itinerant or transient vendors privilege licenses under specified conditions; and to prescribe penalties.

Also:

By Messrs. Taylor, Glass, Brooks, Dickson, Brannan, Salter, Owens,

Bassett, Britton, Daniel, McCorquodale, Dunn, Nettles, Rogers, Speaks, Broadfoot, Long (Lauderdale), Ray, Gordon, Oden, Dodd, Cabiness, and Johnston (Leonard):

H. 913. To exempt certain residents of the state who are sixty-five years of age or over from the requirements of procuring peddlers or itinerant or transient vendors privilege licenses under certain conditions; and to prescribe penalties.

Also:

By Mr. Long (Perry):

H. 1428. To amend Section 77 of Title 52, Code of Alabama 1940 so as to regulate further the assignment to public schools of pupils who live on or near county boundaries.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B.'s 912 and 913 — to the Committee on Finance and Taxation.

H. B. 1428 — to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bill and ordered same sent forthwith to the Senate without engrossment:

By Messrs. Locke, Nettles, Oakley and Daniel:

H. 1203. To license and regulate the business of selling, issuing or otherwise dispensing checks, drafts, money orders or other instruments for the transmission or payment of money, and the business of receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts, as a service or for a fee or other consideration; to exempt certain transactions and businesses from the operation of this act; to provide for the administration of this act by the state securities commissioner; to provide for appeals from certain orders of the state securities commissioner to the Circuit Court of Montgomery County and to the Supreme Court of Alabama; and to prescribe penalties for violation of, or noncompliance with, this act.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bill, the title of which is set out in the foregoing Message

from the House, was read one time and referred to appropriate Standing Committee as follows:

H. B. 1203 — to the Committee on Judiciary.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House bills and ordered same sent forthwith to the Senate without engrossment:

By Mr. Ferguson:

H. 322. Relating to public health; regulating the POSSESSION, DISPENSING, HANDLING, sale and distribution of amphetamines, and /or other stimulating drugs; and prescribing penalties.

Also:

By Messrs. Turnham, Phillips, Oakley, Dunn, Trimmier, Cook, Adams, Harris and Britton:

H. 623. To exempt certain religious publications from the use tax levied under the provisions of Article 11, Chapter 20, Title 51, Code of Alabama 1940.

Also:

By Mr. Rast:

H. 686. To amend Sections 6, 14, 16, 19 and 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act".

Also:

By Messrs. Harris, Cabiness, Broadfoot, Shumate:

H. 266. Relating to judicial procedure; providing for a three-judge special court to hear and determine appeals from orders or decisions of the Alabama Public Service Commission; repealing conflicting laws.

Also:

By Mr. Oden:

H. 112. To provide for regulation and control of motor vehicles bought for use of state officers and employees on official business, to limit the number thereof, to provide for the repair and maintenance of such motor vehicles, to provide for a transportation pool and a revolving fund, and to provide for administration of the Act and enforcement of penalties as prescribed therein.

Also:

By Mr. Long (Perry):

H. 1216. TO AMEND TITLE 37, SECTIONS 404, 426, 428, 429, 456 and 457, of the Code of Alabama 1940, as heretofore amended, relating to the election of mayor and aldermen and the legislative functions of municipal councils.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

The House bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees as follows:

H. B. 322 — to the Committee on Public Health.

H. B.'s 623 and 112 — to the Committee on Finance and Taxation.

H. B.'s 686 and 266 — to the Committee on Judiciary.

H. B. 1216 — to the Committee on Municipalities and Municipal Organizations.

REPORT OF COMMITTEE
ON
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-fourth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DENNIS PORTER,

Chairman.

COMMITTEE REPORT

On motion of Mr. Porter, the foregoing report was concurred in and the Journal of the Senate for the Thirty-fourth Legislative Day was approved by the Senate.

ADJOURNMENT

The hour of 12 o'clock Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of S. B. 400 and Report From Rules relative to H. B. 244, in accordance with motion heretofore adopted by the Senate, to meet again Thursday, August 31, 1961 at 12:01 A.M.

THIRTY-FIFTH LEGISLATIVE DAY

THURSDAY, AUGUST 31, 1961

The Senate met pursuant to adjournment, Lieutenant Governor Boutwell presiding.

PRAYER

The Session was opened with prayer by Honorable Norman R. Crawford, Eighteenth Senatorial District.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Rutledge	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Turner	
Berryman	Gaither	Kendall	Webb	
Caffey	Givhan	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter	Wyatt	
Crawford	Graham	Robison		—34

JOURNAL

On motion of Mr. Turner, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

Yeas 23; Nays 6.

Yeas:

Messrs.:	Eddins	Green	Rutledge	
Andrews	Farmer	Hines	Samford	
Archer	Gaither	Kendall	Shelton	
Barnett	Givhan	Moses	Turner	
Clark	Golson	Porter	Word	
Crawford	Graham	Robison	Wyatt	
				—23

Nays:

Messrs.:	deGraffenried	Godfrey	Wilson	
Berryman	Dumas	Haltom		—6

LEAVE OF ABSENCE

On motion of Mr. Cooper, leave of absence was granted Mr. Roberts for today.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama,
State Capitol,
Montgomery, Alabama.
Gentlemen:

I have appointed, subject to your confirmation, Mr. W. H. Swearingen, Phil Campbell, Alabama, as a member of the State Board of Pardons and Paroles, for the term expiring June 30, 1961.

Respectfully,

JOHN PATTERSON,
Governor.

GOVERNOR'S MESSAGE

Mr. Moses moved that the Senate confirm the appointment of Mr. W. H. Swearingen, as a member of the State Board of Pardons and Paroles, which said appointment is set out in the foregoing Message from His Excellency, the Governor.

At 1:10 A.M., the Senate unanimously confirmed the appointment of Mr. W. H. Swearingen as a member of the State Board of Pardons and Paroles, for the term expiring June 30, 1967.

MESSAGE FROM THE GOVERNOR

To the Legislature of Alabama,
State Capitol,
Montgomery, Alabama.

Gentlemen:

I have appointed, subject to your confirmation, Honorable Eugene L. Evans, Anniston, as a member of the Anniston Civil Service Board, to succeed Dr. Harold West, resigned, for the term expiring September 11, 1965.

Respectfully,

JOHN PATTERSON,
Governor.

GOVERNOR'S MESSAGE

Mr. Shelton moved that the Senate confirm the appointment of Honorable Eugene L. Evans, as a member of the Anniston Civil Service Board, which said appointment is set out in the foregoing Message from His Excellency, the Governor.

MOTION TO RECESS ADOPTED

At 9:30 A.M., on motion of Mr. Samford, the Senate took a recess until 11 o'clock this morning, for the purpose of attending funeral services for Honorable Ralph E. Macon, Assistant Secretary of Senate.

The recess period having expired, the Senate was called to order by Lieutenant Governor Boutwell, President and Presiding Officer of the Senate.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Turner	
Berryman	Gaither	Kendall	Webb	
Caffey	Givhan	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter	Wyatt	
Crawford	Graham			—33

FURTHER CONSIDERATION OF GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the appointment by His Excellency, the Governor, of Honorable Eugene L. Evans, as a member of Anniston Civil Service Board.

RESOLUTION

Mr. Givhan offered the following Senate Joint Resolution to-wit:

S. J. R. 47. The past decade, fraught with racial tension, social disturbances, and violence, has been a trying period demanding genuine Christian leadership, wise counsel, and inspired guidance; and

WHEREAS Dr. Henry L. Lyon, Pastor of the Highland Avenue Baptist Church in Montgomery, boldly upholds southern traditions and a way of life that has had the approbation of the church and society for a hundred years or more, instead of following the political line of social scientists and equalitarians, to the detriment of an overwhelming majority of the people of this region; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we warmly commend Dr.

Henry L. Lyon for his forthright stand on the grave questions confronting us today, and express to him our deep appreciation for his earnest advocacy of the southern position on the controversial and political racial issue.

On motion of Mr. Givhan, the Rules were suspended, and the Resolution, S. J. R. 47, was adopted by the Senate.

BILLS ON THIRD READING

The Bill:

H. 1246. To provide a council-manager form of municipal government which, by popular vote, may be adopted and thereafter abandoned in the manner herein prescribed by any city which has a population of not less than 50,000 nor more than 70,000, according to the 1960 or any subsequent federal decennial census; to define the legal status and prescribe the form of government and powers of any city adopting this council-manager form of government; to provide as the governing body of any such city a city council having the powers, duties, and authority and composed of such number of members, elected for the terms, authorized to perform the duties and draw the compensation prescribed in this Act; to provide for the appointment and removal of a city manager and, under certain conditions, of a temporary city manager; to prescribe the city manager's powers and duties and the manner of fixing and paying his compensation; to regulate purchases and contracts of the city; to provide for the adoption of an annual budget for any such city and to require the submission and prescribe the contents of budget estimates; to provide for succession in government of any such city; to provide for the continued existence and functioning of certain independent boards and commissions in the manner prescribed therefor when this form of government is adopted by any such city; and to preserve certain rights and privileges of certain municipal employees under civil service and retirement systems of such city.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, to-wit:

Amend House Bill 1246 by striking from the title and body of said Bill the figures "70,000" wherever they appear and inserting in lieu thereof the figures "60,000".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Moses
Andrews	Dumas	Haltom	Turner
Archer	Eddins	Hines	Webb
Barnett	Farmer	Jones	Wilson
Berryman	Gaither	Kendall	Word
Caffey	Givhan	Leonard	Wyatt
Clark			

—24

Nays: —0

Mr. Wyatt then offered the folowing amendment to the Bill as amended, to-wit:

AMENDMENT TO H. B. 1246, AS AMENDED

Strike out Section 28 of the bill entirely and insert the following in lieu thereof:

Section 28. The city may at any time change from the council- manager form of government, by proceeding as hereinafter provided, either to:

(a) the form of municipal government applicable to the city prior to its adoption of the council-manager form of government, or to

(b) the mayor-council form of municipal government provided by Title 37, Code 1940, as amended and supplemented, or to

(c) one of the commission forms of municipal government provided by Title 37, Code 1940, as amended and supplemented.

Such change shall, however first be initiated by petition and submitted to a vote of the qualified electors at an election and shall receive at such election a majority of the votes "yes" or in favor thereof in the same manner and subject to the same requirements as provided in Sections 2-5 of this Act, except that the proposition on the ballot shall be changed to reflect the proposed form of municipal government to be submitted to the vote of the qualified electors. The officers and members of the governing body of such newly adopted form of municipal government shall be elected as soon as may be under the provisions of law applicable thereto; and upon their election and qualification for office the term of office of all members of the council under the council-manager form of government shall terminate.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Moses
Andrews	Dumas	Haltom	Turner
Archer	Eddins	Hines	Webb
Barnett	Farmer	Jones	Wilson
Berryman	Gaither	Kendall	Word
Caffey	Givhan	Leonard	Wyatt
Clark			

24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Archer	Berryman	Clark
Andrews	Barnett	Caffey	deGraffenried

Dumas	Godfrey	Kendall	Webb	
Eddins	Haltom	Leonard	Wilson	
Farmer	Hines	Moses	Word	
Gaither	Jones	Turner	Wyatt	
Givhan				—24

Nays: —0

The Bill:

H. 1383. To extend, alter and rearrange the boundary and corporate limits of the city of Union Springs, in Bullock County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Gaither	Jones	Turner	
Berryman	Givhan	Kendall	Webb	
Caffey	Godfrey	Leonard	Wilson	
Clark	Golson	Moses	Word	
Cooper	Graham	Porter	Wyatt	
Crawford				—24

Nays: —0

MOTION TO RECESS LOST

At 12:15 P.M., Mr. Godfrey moved that the Senate take a recess until 1 o'clock this afternoon, which motion was lost.

Yeas 4; Nays 22.

Yeas:

Messrs:	Godfrey	Haltom	Wilson	
deGraffenried				—4

Nays:

Messrs.:	Gaither	Jones	Samford	
Barnett	Givhan	Kendall	Turner	
Cooper	Golson	Leonard	Webb	
Crawford	Graham	Porter	Word	
Eddins	Green	Robison	Wyatt	
Farmer	Hines			—22

REPORTS OF COMMITTEES

Mr. Cooper, Chairman of the Standing Committee on Municipalities and Municipal Organizations, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate

with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Long (Perry):

H. 1216. To amend Title 37, Sections 404, 426, 428, 429, 456 and 457 of the Code of Alabama 1940, as heretofore amended, relating to the election of mayor and aldermen and the legislative functions of municipal councils.

Mr. Leonard, Chairman of the Standing Committee on Public Health, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Callahan et al:

H. 778. To regulate the teaching and practice of cosmetology in any county having a population of less than 600,000, according to the last or any subsequent federal decennial census; requiring the registration and licensing of cosmetologists and cosmetologists' apprentices, and schools of cosmetology, creating for the administration of this Act a State Board of Cosmetology, and defining violation of this Act and prescribing penalties therefor; to repeal Act No. 653, General Acts 1957, Regular Session, page 981, as amended by Act No. 633, General Acts 1959, Regular Session, page 1540, which regulated the teaching and practicing of cosmetology.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Messrs. Murphy, Engel and Trimmier(with notice and proof):

H. 1541. Relating to the management of public records now on hand and required by law to be kept by the Circuit Court of Mobile County, Alabama, and the subdivisions thereof, and which may in the future be required to be kept by such Court; providing for the photographing or microfilming or other permanent reproduction of such public records kept and required to be kept by such Court, and providing that such reproduced copies shall constitute the official records of such Court and further providing copies made from such reproduced records will be admissible in evidence; and for the defrayment of the costs of such reproduction of such records, and the costs of equipment, supplies and personnel required for the maintenance, use and operation of such records by such Court after such reproduction has been completed.

By Messrs. Thomas and Lee:

H. 1534. To provide for the collection and enforcement by the state department of revenue of sales and use taxes levied or assessed by the city of Eufaula, Barbour County.

By Mr. Hearn (with notice and proof):

H. 1504. To alter or rearrange the boundary lines of the City of Arab, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

By Mr. Faulk (with notice and proof):

H. 1491. To vacate and hold for naught that certain dedication to the use of the public, as a park, driveway and pleasure ground forever, to certain real estate in the City of Geneva, Alabama, conveyed by D. H. Morris and others to Geneva County, Alabama, and by Geneva County, Alabama to the City of Geneva, Alabama, and to vest fee in City of Geneva, Alabama.

By Messrs. Dunn and McCorquodale:

H. 1489. To propose a constitutional amendment relative to levying additional taxes in Clarke County for public school purposes.

The above Bill was read a second time at length as required by the Constitution.

By Mr. Edwards:

H. 1425. To provide for the compensation to be paid the Deputy Circuit Solicitor who is elected by the people in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

By Mr. Edwards:

H. 1424. To provide for the compensation to be paid the Assistant Deputy Circuit Solicitor in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

By Mr. Hawkins et al:

H. 1405. To amend further Section 706, Title 51, Code of Alabama (1940), as amended, by providing further for the transfer of ownership of motor vehicle license tags, and by prescribing further penalties.

By Mr. Adams (with notice and proof):

H. 1394. To provide for the creation and establishment of a city-county airport authority, which shall be a public body corporate, to take possession of and title to existing airports, airfields, and aircraft facilities owned or operated by or on behalf of the City of Dothan and the County of Houston, and to provide for the management, control, development and improvement of such airports, airfields and aircraft facilities.

By Messrs. Murphy and Engel (with notice and proof):

H. 1270. Relating to Mobile County: To fix the compensation of the clerk of the circuit court of Mobile County.

By Messrs. Murphy and Engel (with notice and proof):

H. 1269. Relating to Mobile County: To fix the compensation of the register of the circuit court of Mobile County.

By Mr. Meade:

H. 1535. To repeal Act No. 281, H. 514, Regular Session 1961, entitled "To regulate further the feeding of prisoners in jail in all coun-

ties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census."

By Mr. Edwards et al (with notice and proof):

H. 816. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

By Mr. Sessions et al:

H. 1465. To amend Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, page 366, et seq.)

By Mr. Sessions et al:

H. 1496. To amend the title and Sections 1, 3, 5, 9 and 10 of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949 page 827 et seq.) entitled, "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as heretofore amended.

Mr. Crawford, Chairman of the Standing Committee on Agriculture, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Solomon:

H. 1200. To amend Sections 283, 287, 288 and 296 of Title 2 of the Code of Alabama of 1940, relating to the registration and sale of fertilizer and fertilizer material and the authority of the Commissioner of Agriculture and Industries and the State Board of Agriculture and Industries with respect thereto.

Mr. Dumas, chairman of the Standing Committee on Judiciary, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Cates, et al:

H. 222. Relating to elections; amending Code 1940, Title 17, Section 172, to prescribe the time for opening and closing the polls on election day.

By Mr. Callahan:

H. 237. To provide further for service of process of courts on persons of unsound mind.

By Mr. Callahan, et al:

H. 241. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, or of the United State of America, including U.S. Veterans Hospitals, including records of admission, medical, clinical, hospital, occupational, disease, injury and disability histories, X-Rays and written interpretations thereof, pictures, photographs, charts, files, written orders, directions, findings and reports of physicians, doctors, surgeons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as all employees of such hospitals, forming a part of such hospital records, as to the health, physical and mental condition, state, injuries, disabilities, sickness, disease, mental and physical and nervous condition and disorders, duration and character of such ailments and disabilities, and the diagnosis, prognosis, progress, operations, incisions, contusions, concussions, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hopitalization and duration thereof, medication, medicines, supplies, treatment and care and the charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, and when the custodian of such hospital records certifies and affirms in writing that the hospital was operated or organized under or pursuant to the laws of Alabama or of the United States of America, including U.S. Veterans Hospitals and that the same are a true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but that this shall not affect their admissibility; and to provide for the costs and the taxing and collection thereof for said copies and certificates and affirmance in writing thereto and the filing of said copies with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

By Mr. Jones (Covington):

H. 261. Proposing an amendment to the Constitution of Alabama providing for installation and use of voting machines in elections by all counties.

The above bill was read a second time at length as required by the Constitution.

By Messrs. Johnson (Hardaway), Johnston (Leonard), Speaks and Goodwyn:

H. 664. To repeal subsection H. of Section 214, Title 26, Code of Alabama 1940, which relates to a disqualification for benefits under the

unemployment compensation act (5 Code of Alabama 1955 Cumulative Pocket Part 265).

By Mr. Hanby:

H. 665. To regulate further the execution of certain contracts for public works; requiring contractors to use domestic products in public works projects.

By Mr. Rast:

H. 686. To amend Sections 6, 14, 16, 19 and 20 of Act No. 576 Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act".

By Mr. Goodwyn:

H. 701. To amend Sections 242 and 243 of Title 22, Code of Alabama (1940), which relates to narcotic drugs and poisons.

By Mr. Hanby:

H. 746. To provide for and authorize certain physically incapacitated persons to vote absentee ballots.

By Mr. Murphy et al:

H. 957. To amend Sections 46, 55, 57 and 59 of Title 38 of the Code of Alabama of 1940, which relate to Bar Pilots and Pilotage.

By Mr. Murphy et al:

H. 958. To provide for the compulsory retirement of Bar Pilots licensed and branched by the State Pilotage Commission and to fix the effective age and date of such retirement.

By Mr. Rast:

H. 1016. To Amend Act No. 438 of the Alabama Legislature, ap-

proved July 8, 1943, (Title 28, Section 352, Alabama Code (1940) as amended) to authorize investments by life insurance companies in notes secured by mortgages or trust deeds on unencumbered real estate in principal amount of up to three-fourths of the value of the real estate; and to delete therefrom the provisions relating to special loans up to four-fifths of the value of said real estate; and to provide that this section shall not affect loans insured or guaranteed by the federal housing commissioner or the veterans administration.

By Mr. Broadfoot:

H. 1122. Requiring Communists, Nazis and Muslims and known members of Communist-front organizations to register with the department of public safety, and prescribing penalties.

By Mr. Bevill et al:

H. 1151. To amend Section 755 of Title 7, Code of Alabama 1940, relating to appeals from interlocutory decrees in equity cases.

By Mr. Locke et al:

H. 1203. To license and regulate the business of selling, issuing or otherwise dispensing checks, drafts, money orders or other instruments for the transmission or payment of money, and the business of receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts, as a service or for a fee or other consideration; to exempt certain transactions and businesses from the operation of this act; to provide for the administration of this act by the state securities commissioner; to provide for appeals from certain orders of the state securities commissioner to the Circuit Court of Montgomery County and to the Supreme Court of Alabama; and to precribe penalties for violation of, or non-compliance with, this act.

By Mr. Brewer:

H. 1212. Relating to Patents to Public Lands.

By Mr. Brewer et al:

H. 1213. To provide for the transfer of cases to a proper court when a trial court sustains a plea in abatement as to venue.

By Mr. Dunn:

H. 1348. To amend Section 14 of Act No. 598, H. 871 approved September 18, 1957 (Acts of Alabama, Regular Session 1957, p. 848), the act to regulate the qualifications, applications, examinations and licensing of all persons who shall be hereafter licensed to act as agent for or to solicit business for any life or health and accident insurance carriers in Alabama who shall engage in the business of selling, soliciting, issuing, delivering, effecting or collecting premiums on policies or contracts of life insurance or contracts of health and accident insurance or both; to define terms; to provide penalties for violations of the provisions hereof; to prohibit the representing of unauthorized insurers; to provide for liability of insurance agents when representing unauthorized insurers; to prohibit the doing of business by unlicensed agents; to prohibit the doing of business with unauthorized agents; to provide for the revocation of licenses; to provide that certain information, documents, records or statements disclosed or made to the Superintendent of Insurance

shall be deemed a privileged communication and shall not be used as evidence in any court action or proceeding; to provide for the refusal, suspension, or revocation of license and to provide for a hearing thereof, to provide an appeal from certain actions of the Superintendent; to provide for the making of certain rules and regulations by the Superintendent; to provide for the making of certain investigations by the Superintendent; to provide for penalties for the violation of this Act; to provide for the severability of this Act; to repeal conflicting laws; and to provide an effective date for this Act.

By Mr. Dunn:

H. 1349. To amend Section 10 of Act No. 530, H. 629, approved September 13, 1957 (Acts of Alabama, Regular Sessions 1957, P. 726), The Act: To protect the interest of the public with respect to insurance agents, solicitors and brokers; to regulate the conduct of the business of insurance agents, solicitors and brokers: to provide for the powers and duties of the Superintendent of Insurance with respect thereto: to provide for the examining and licensing of insurance agents, solicitors and brokers: to provide for the administration of this Act: to provide for the denial, revocation or suspension of licenses under this Act: to provide for penalties for the violation of any provision of this Act: to provide for judicial review of the acts of the Superintendent of Insurance with respect to the administration of the provisions of this Act: to repeal all laws or parts of laws in conflict therewith:

By Mr. Locke, et al:

H. 1356. To protect and preserve basic trust and fiduciary purposes and interests inherent in the intent and understanding when property in Alabama shall have been subjected or devoted to local fraternal uses; to prevent impairment of such intent and to preserve the charitables or trust use intended from subjection to uses, functions or rules subversive of such intent or inconsistant with social order, harmony and good will in the administration thereof as a result of or in the event of action by any higher or affiliate order or other authority affecting the administration or use of the property; and to provide for repayment of loans or grants made by the parent order (or its affiliated organization) to the local fraternity as those terms are herein defined; and to provide procedure for protection and preservation of such intent and the fraternal, charitable or educational use involved and said declaratory act to that end.

By Mr. Thomas:

H. 1369. To amend Section 12 of Act No. 533, page 750, Acts of Alabama 1957, Regular Session, relating to the State Board of Registration for Foresters; amending and changing the requirements for registration.

By Mr. Locke et al:

H. 1398. To amend further Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the board of registrars of the result of proceedings to legitimate bastard children.

By Mr. Locke et al:

H. 1400. To propose and provide for the submission of an amend-

ment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

The above bill was read a second time at length as required by the Constitution.

By Mr. Long (Perry):

H. 1428. To amend Section 77 of Title 52, Code of Alabama 1940 so as to regulate further the assignment to public schools of pupils who live on or near county boundaries.

By Mr. Goldthwaite et al:

H. 1458. To amend Act No. 528, S. 396, Regular Session 1957, an act relating to the public schools (Acts of Alabama, Reg. Sess. 1957, vol. II, p. 723).

By Mr. Torbert et al:

H. 1470. Proposing an amendment to the Constitution of Alabama relative to the board of trustees of Auburn University.

The above bill was read a second time at length as required by the Constitution.

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Smith (Russell) et al:

H. 7. To make an appropriation for the support of the Council of State Governments.

By Mr. Smith (Russell) et al:

H. 8. To make an appropriation for the support of the Southern Regional Council on Mental Health Training and Research.

By Mr. Smith (Russell) et al:

H. 10. To amend Section 2 of Act No. 355, approved August 23, 1957, entitled "An Act To authorize the execution of, and to give advance approval to, a compact between the State of Alabama and the State of Mississippi and any contiguous state, for the purpose of promoting the development of a navigable interstate waterway connecting the Tombigbee and the Tennessee Rivers; to establish a joint agency and other offices for the administration of the compact; and to make an appropriation".

By Mr. Smith (Russell) et al:

H. 12. To appropriate the sum of $100,000 out of any fund in the

State Treasury to the credit of the General Fund not heretofore appropriated, to the Board of Trustees of Auburn University for experimental farm use.

By Mr. Smith (Russell) et al:

H. 14. To appropriate out of funds in the State Treasury to the credit of the State Health Department Vital Statistics Fund the sum of $87,492.00 or so much thereof as may be necessary, for the purpose of enlarging and equipping the vault of the Bureau of Vital Statistics in the State Office Building, Montgomery, Alabama.

By Mr. Smith (Russell) et al:

H. 16. To make appropriations to the Department of Conservation for capital improvements.

By Mr. Oden, et al:

H. 32. To make an appropriation for each of the fiscal years ending September 30, 1962 and September 30, 1963 to the Armory Commission of Alabama to be used in providing necessary armory facilities for the Alabama National Guard and the Air National Guard units, including the matching of federal funds made available for such purposes and including the alteration, improvement and equipment of armories therefor.

By Mr. Torbert, et al:

H. 136. To provide for participation by the State of Alabama in the Southern Interstate Nuclear Compact; providing for resignation of this state's member on the Southern Interstate Nuclear Board, for cooperation of departments, agencies, and officers of this state and its subdivisions with the board, for presentation of a budget, and for contracts with the board by the board of control of the Employees Retirement System.

By Mr. Torbert, et al:

H. 137. To provide for cooperation by the State of Alabama with other Southern States in nuclear development of the South, and making an appropriation for that purpose:

By Mr. Smith (Russell) et al:

H. 204. To amend Section 115 of Title 41 of the 1940 Code.

By Mr. Nichols, et al:

H. 228. To amend further Section 3 of Act No. 666, S. 155, approved September 16, 1953 (Acts of Alabama, Regular Session 1953, p. 923), entitled "An Act To provide for a scholarship program for medical education; and making an appropriation therefor."

By Mr. Brewer:

H. 297. To amend further Code of Alabama 1940, Title 37, Section 302, in relation to deposits of sinking funds securing public improvement bonds.

By Mr. Oden, et al:

H. 422. To provide that distribution of two percent (2%) tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use, from any well or wells in the State of Alabama, pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be deposited in the State Treasury to the credit of the General Fund; to provide for the transfer of all funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1961 to the General Fund; to repeal all laws or parts of law in conflict with the provisions of this Act; and to provide an effective date therefor.

By Mr. Bishop, et al:

H. 606. To make an appropriation for the support and maintenance of the R. C. Burns Hope Haven School for Retarded Children and the Tuscaloosa Opportunity School for Retarded Children at Tuscaloosa, Alabama.

By Mr. Smith (Russell):

H. 1220. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of $10,000.00, or so much thereof as may be necessary, to the Fort Morgan Historical Commission, for the purpose of remodeling and/or constructing certain projects at Fort Morgan.

By Mr. Smith (Russell), et al:

H. 1292. To amend Section 348, Title 51, Code of Alabama, 1940, and to repeal all laws and parts of laws, general or special, in conflict herewith.

By Mr. Pierce:

H. 1321. Amending Section 504 of Title 51—Code of Alabama 1940.

By Mr. Pierce:

H. 1322. To amend Sections 2, 3, and 4 of Act No. 100 (S. 68), Regular Session of the Legislature of 1959 approved June 24, 1959; general Acts of 1959, relating to Board of Dental Examiners of Alabama, Election, qualification, term, vacancy, removal from office: officers, seal, meetings, quorum, compensation and expenses, fees; bonds, annual reports, national affiliation.

By Mr. Cates:

H. 485. To make an appropriation for the relief of J. E. Rutherford.

By Mr. Torbert:

H. 829. To amend Section 354 of Title 51 of the Code of Alabama 1940, relating to the due date of franchise tax.

By Mr. Torbert:

H. 830. To amend Section 345 of Title 51 of the Code of Alabama 1940, relating to foreign corporation permits.

By Mr. Torbert:

H. 831. To amend Section 346 of Title 51 of the Code of Alabama 1940, relating to domestic corporation permits.

By Mr. Bevill, et al:

H. 859. To create and establish the Tennessee-Mulberry Waterway Commission for the purpose of promoting the development of a waterway system in the State of Alabama connecting Guntersville Lake on the Tennessee River with Bankhead Lake on the Warrior River, utilizing Mulberry Fork and Brown's Creek as parts of the water route so developed; providing for the appointment and compensation of members of the commission; precribing their powers and duties; prescribing the manner in which such a commission can be dissolved; and to make appropriations.

By Mr. Thomas:

H. 1370. To provide for the salary of the Chief Examiner of Public Accounts.

By Mr. Trimmier, et al:

H. 466. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

By Mr. Brannan:

H. 1116. Making an appropriation from the state treasury for the relief of Barney Davis of Foley, Alabama.

By Mr. Brannan:

H. 1118. To appropriate the sum of three hundred thirty-four dollars and twenty-four cents ($334.24) out of the Seafood Division Fund in addition to all other appropriations heretofore made for the purpose of paying items of expense and equipment purchases listed herein incurred prior to October 1, 1958.

By Mr. Turnham, et al:

H. 623. To exempt certain religious publications from the use tax levied under the provisions of Article 11, Chapter 20, Title 51, Code of Alabama 1940.

By Mr. Phillips:

H. 57. To amend Act No. 261, H. 37, Regular Session 1957, an act levying a documentary tax or transfer fee upon leases and instruments creating or transferring mineral interests (Acts of Alabama 1957, vol. I, p. 332).

By Mr. J. T. (Tom) Johnson:

H. 1537. To fix the compensation of the Commissioner of Agriculture and Industries.

By Mr. Camp:

H. 1430. To create and establish a special fund for the use of the

adult blind department, Alabama Institute for the Deaf and Blind, and making an appropriation for that purpose.

By Mr. Murphy, et al:

H. 1132. Relating to oysters; to amend Section 139 of Title 8, Code of Alabama 1940, as last amended, so as to eliminate the three cent (3c) per barrel tax thereon and increase the percentage of oyster shells to be returned to the reefs from thirty per cent (30%) to fifty per cent (50%).

By Mr. Murphy, et al:

H. 1136. To provide for an annual appropriation of $3,500.00 by the State of Alabama to the Gulf States Marine Fisheries Commission as the State of Alabama's prorated share of the annual operating expenses of said Commission.

By Mr. Meade, et al:

H. 616. To provide for the registration and licensing as "antique vehicles" of certain motor vehicles; prescribing the fee therefor; providing for the collection and disbursement thereof; exempting vehicles licensed under this Act from other motor vehicle licenses; and placing certain duties relative to the registration and licensing of such vehicles on the State Department of Revenue and the Commissioner thereof and on the several sheriffs of the State.

By Mr. Oden:

H. 1018. To validate certain elections held since February 24, 1959, under any constitutional amendment or the provisions of Article 6 or 7 of Chapter 10, Title 52, Code of Alabama, 1940, or under any other law, for the purpose of authorizing a special tax for school purposes.

By Mr. Hankins, et al:

H. 1319. Relating to the levy of additional taxes for certain purposes in all counties having a population of 50,000 or less inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue, or other like governing body of such counties to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

By Mr. Sullivan, et al:

H. 478. To exempt certain persons from poll tax; amending Section 238 of Title 51, Code of Alabama 1940 in relation to periods of military service subject to exemption from the tax.

Mr. Gaither, Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Mr. Pruitt, et al (With Amendment):

H. 929. To provide further for the operation of the office of tax collector in all counties in this state having populations of not less than 20,000 nor more than 21,000; providing for the appointment and compensation out of county funds of a clerical assistant for the tax collector and for the appointment of a temporary tax collector in the event there is a vacancy in the office of tax collector for such county.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 144. To appropriate funds to the Department of Pensions and Security for salaries, expenses, operation and management for welfare purposes for the fiscal years ending September 30, 1962 and September 30, 1963.

Also:

S. 184. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as heretofore amended, relating to the excise tax on gasoline, so as to provide that the gasoline tax on certain fuels consumed in boats or vessels be paid into the "Water Safety Fund" and "Seafoods Fund".

Also:

S. 173. To appropriate from any funds in the State Treasury to the credit of the General Food the sum of $300,000 for the purpose of erecting, constructing and equipping a training building for the State Department of Public Safety.

Also:

S. 174. To amend further Section 10 of Act No. 585 entitled "An Act To create a Department of Public Safety; to provide for the appointment by the Governor of the Director thereof; to provide for the salary of said Director, and that said salary may be fixed by the Governor; to authorize the creation of divisions within said department and the appointment under the provisions of the Merit System of the chiefs of said divisions and other employees; to prescribe the duties and powers of the Director of the Department of Public Safety, and to enumerate the laws which said Director shall administer and enforce; to provide for the disposition of costs, fees and mileage of Highway Patrol officers when attending courts; to provide for the police powers possessed by members of the State Highway Patrol; to provide for the payment of the compensation of officers, agents and employees of the Department of Public Safety and to provide for the payment of expenses for necessary equipment; to create a fund in the State Treasury to be known as the State Public Highway and Traffic Control Fund, and to prescribe the monies which shall be paid into said fund; to require that expenditures of the Department of Public Safety shall be limited to amounts appropriated by the Legislature out of the State Public Highway and Traffic Control Fund; to provide for the liability of members of the State High-

way Patrol on their official bonds; to prescribe an arrest fee for Highway Patrol officers, and the payment of said fee into the State Public Highway and Traffic Control Fund; to provide that any unencumbered balance in the State Public Highway and Traffic Control Fund at the end of any two year drivers' licensing period shall be paid into the Public Road and Bridge Fund of the Highway Department; to require the State Comptroller to record the source of funds paid into the State Public Highway and Traffic Control Fund; to authorize the Department of Public Safety to promulgate rules and regulations having the force and effect of law and to provide for a penalty for the violation thereof; to transfer all monies or funds in the Highway Patrol Fund to the State Public Highway and Traffic Control Fund, and to authorize any appropriation heretofore made from said Highway Patrol Fund to be paid out of the said State Public Highway and Traffic Control Fund; and to provide for the effective date of this Act", approved September 11, 1953, as amended by Act No. 44, approved June 7, 1955.

OAKLEY MELTON, JR.,

Clerk.

REPORT FROM RULES

Mr. Archer, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1152, which said proposed Executive amendment and the title of the Bill, H. B. 1152, is set out in the Message from the House in the Journal of the Senate for the Thirty-fourth Legislative Day, and ordered same returned to the Senate with a favorable report, to-wit:

H.B. 1152 with amendment proposed by His Excellency, the Governor

On motion of Mr. Jones, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

H. 1152. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the Town of Camp Hill, Tallapoosa County, Alabama, and its police jurisdiction under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method of procedure for collecting such taxes and remitting the proceeds thereof.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Andrews	Eddins	Haltom	Samford
Archer	Givhan	Jones	Turner
Barnett	Godfrey	Leonard	Webb
Caffey	Golson	Moses	Word
Clark	Graham	Porter	Wyatt
Cooper			

—24

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said bill, HB. 1152, as amended by the Executive amendment, was again read at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison
Andrews	Eddins	Haltom	Samford
Archer	Givhan	Jones	Turner
Barnett	Godfrey	Leonard	Webb
Caffey	Golson	Moses	Word
Clark	Graham	Porter	Wyatt
Cooper			

—24

Nays: —0

Which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying and following message from His Excellency, the Governor, proposing an amendment to the bill, H. 1340, said Governor's message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor, returning House Bill 1340, with a suggested Executive Amendment.

Respectfully submitted,
JOSEPH G. ROBERTSON,
Executive Secretary

AUGUST 31, 1961
To the House of Representatives
State Capitol
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which this bill originated, House

Bill 1340, with a suggested Executive Amendment, as follows:

Amend Section 10 of said bill by striking out the following sentence beginning on Line 2 of said Section 10:

"The State Department of Revenue shall charge Crenshaw County for collecting the special county taxes levied such amount or percentage of total collections as may be agreed upon by the Commissioner of Revenue and the court of county commissioners, board of revenue, or like governing body of the county, but such charge shall not in any event exceed three per cent of the total amount of special county taxes collected hereunder within the county."

and substitute in lieu thereof the following:

"The State Department of Revenue shall charge Crenshaw County for collecting the special county taxes levied an amount not to exceed ten per cent of the amount collected."

This amendment is necessary in view of the fact that a three per cent collection cost of the figure produced would not reimburse the State for its cost of collection and it would be unconstitutional for the State Department of Revenue to use a part of its collection for the enforcement of a local measure.

The adoption of the above suggested amendment will remove my objection to the bill.

Respectfully,

JOHN PATTERSON,

Governor

And the House has concurred in and adopted the amendment proposed by the Governor to the bill, H. 1340, by a vote of Yeas 77, Nays 0, which was a majority of the whole number elected to the House.

And said bill:

H. 1340. Relating to Crenshaw County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said licensce tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing

for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

As amended by the amendment proposed by His Excellency, the Governor, was again read a third time at length and passed by a vote of Yeas 80, Nays 0, which was a majority of the whole number elected to the House.

And said bill, together with the amendment proposed by His Excellency, the Governor, is herewith sent to the Senate for its consideration.

OAKLEY MELTON, JR.,

Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Turner, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the bill, HB. 1340, the title of which and said proposed Executive amendment is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Green	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Jones	Turner	
Barnett	Gaither	Kendall	Wilson	
Berryman	Givhan	Moses	Word	
Clark	Graham	Porter	Wyatt	
Cooper				—24

Nays: —0

Which was a majority of the whole number elected to the Senate.

And said bill, HB. 1340, as amended by the Executive amendment, was again read at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Green	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Jones	Turner	
Barnett	Gaither	Kendall	Wilson	
Berryman	Givhan	Moses	Word	
Clark	Graham	Porter	Wyatt	
Cooper				—24

Nays: —0

Which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1477. Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 24,600 nor more than 25,300, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Turner
Archer	Eddins	Hines	Webb
Barnett	Farmer	Jones	Wilson
Berryman	Golson	Kendall	Word
Clark	Graham	Leonard	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1490. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Turner
Archer	Farmer	Jones	Webb
Barnett	Gaither	Kendall	Wilson
Berryman	Givhan	Leonard	Word
Caffey	Godfrey	Porter	Wyatt
Clark			—24

Nays: —0

The Bill:

H. 1446. To provide additional compensation for registrars in all counties having populations of not less than 55,000 nor more than 60,000, to be paid from the funds of such counties.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Farmer	Green	Robison	
Berryman	Gaither	Jones	Turner	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wilson	
Cooper	Golson	Moses	Word	
Crawford	Graham	Porter	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1419. To alter or rearrange the boundary lines of the City of Abbeville, Henry County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Henry County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Golson	Moses	
Andrews	Eddins	Haltom	Samford	
Archer	Farmer	Hines	Shelton	
Barnett	Gaither	Jones	Turner	
Berryman	Givhan	Kendall	Webb	
Caffey	Godfrey	Leonard	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1344. Proposing an amendment to the Constitution authorizing the court of county commissioners, board of revenue, or like governing body of Bullock County to levy additional license taxes.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Shelton	
Andrews	Farmer	Green	Turner	
Berryman	Gaither	Leonard	Webb	
Caffey	Givhan	Moses	Wilson	
Clark	Godfrey	Porter	Word	
Cooper	Golson	Robison	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1395. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Barnett	Gaither	Hines	Turner	
Berryman	Givhan	Jones	Webb	
Caffey	Godfrey	Kendall	Wilson	
Clark	Golson	Leonard	Word	
Cooper	Graham	Moses	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1433. To alter, rearrange, and extend the boundary lines and corporate limits of the city of Linden, in Marego County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Samford	
Archer	Farmer	Hines	Shelton	
Barnett	Godfrey	Jones	Wilson	
Cooper	Golson	Moses	Word	
Crawford	Graham	Porter	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1341. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Porter
Andrews	Dumas	Haltom	Samford
Archer	Eddins	Hines	Shelton
Barnett	Farmer	Jones	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1372. To alter or rearrange the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Samford
Andrews	Eddins	Hines	Shelton
Archer	Farmer	Jones	Webb
Barnett	Golson	Kendall	Wilson
Cooper	Graham	Moses	Word
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1481. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Porter
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1484. Authorizing the appointment of juvenile court officers in counties having populations of not less than 49,500 nor more than 50,000, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Samford	
Andrews	Eddins	Hines	Turner	
Archer	Farmer	Jones	Webb	
Barnett	Gaither	Kendall	Wilson	
Berryman	Graham	Porter	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1487. To provide for the payment of an allowance for the chairman of the board of revenue, court of county commissioners or like governing body of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Turner	
Berryman	Gaither	Moses	Webb	
Caffey	Godfrey	Porter	Word	
Cooper				—24

Nays: —0

The Bill:

H. 1488. To amend Act No. 661, H. 1077, approved September 20, 1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, vol. II, p. 1003) so as to provide further for the appointment of assistant clerks and further for the compensation of the chief clerk, assistant clerks, and the judge of said court.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Robison	
Archer	Farmer	Hines	Samford	
Berryman	Givhan	Jones	Turner	
Caffey	Golson	Kendall	Wilson	
Cooper	Graham	Moses	Word	
Crawford	Green	Porter	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1498. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Eddins	Hines	Shelton	
Archer	Gaither	Kendall	Turner	
Barnett	Givhan	Leonard	Webb	
Caffey	Golson	Moses	Wilson	
Clark	Graham	Porter	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

CALENDAR BILL INDEFINITELY POSTPONED

On the motion of Mr. Word, further consideration of the bill, H. B. 1254, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1499. To authorize and make provision for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, con-

structing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plans, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Samford	
Archer	Gaither	Jones	Shelton	
Berryman	Godfrey	Kendall	Turner	
Clark	Golson	Leonard	Wilson	
Cooper	Graham	Moses	Word	
deGraffenried				—24

Nays: —0

The Bill:

H. 1501. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Farmer	Green	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1505. To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than forty-five thousand (45,000) nor more than fifty thousand (50,000) inhabitants according to the last or any subsequent Federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Godfrey	Moses
Andrews	Dumas	Haltom	Samford
Archer	Eddins	Hines	Shelton
Barnett	Farmer	Jones	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Word
Clark			—24

Nays: —0

The Bill:

H. 1509. To regulate the compensation of deputy sheriffs in counties having populations of not less than 28,000 nor more than 30,550 according to the last or any subsequent federal decennial census; and providing for the payment thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Samford
Andrews	Eddins	Jones	Shelton
Archer	Farmer	Leonard	Turner
Barnett	Golson	Moses	Webb
Cooper	Graham	Porter	Wilson
Crawford	Green	Robison	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1510. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering, and in lien of its judgments.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Green	Robison
Andrews	Gaither	Jones	Turner
Berryman	Givhan	Kendall	Webb
Caffey	Godfrey	Leonard	Wilson
Clark	Golson	Moses	Word
Cooper	Graham	Porter	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1511. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Shelton
Andrews	Eddins	Hines	Turner
Archer	Farmer	Moses	Webb
Barnett	Golson	Porter	Wilson
Cooper	Graham	Robison	Word
Crawford	Green	Samford	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1512. To amend Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama which relates to the regulation and licensing of barbers and barber colleges, and other like businesses in any county of the State of Alabama having a population of at least 150,000 nor more than 250,000, to creating a barber's Commission for said counties and defining the powers and duties of said barber Commission and providing for an inspector and providing a penalty for the violation of the provisions thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Graham	Robison
Andrews	deGraffenried	Green	Samford
Archer	Dumas	Haltom	Shelton
Barnett	Eddins	Hines	Wilson
Caffey	Farmer	Jones	Word
Clark	Golson	Porter	Wyatt
Cooper			—24

Nays. —0

The Bill:

H. 1527. Authorizing the governing bodies of all counties having populations of not less than 48,500 nor more than 49,750 to provide retirement allowances for certain county employees.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Godfrey	Moses	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Webb	
Berryman	Gaither	Kendall	Word	
Caffey	Givhan	Leonard	Wyatt	
Clark				—24

Nays: —0

The Bill:

H. 1528. To authorize the employment of an administrative assistant to the governing body of any county having a population of not less than 48,500 nor more than 49,750.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison	
Barnett	Dumas	Green	Turner	
Berryman	Gaither	Kendall	Webb	
Caffey	Givhan	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1529. Relating to the appointment, duties, and compensation of the county treasurer in all counties having populations of not less than 48,500 nor more than 49,750.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Samford	
Andrews	Eddins	Hines	Shelton	
Archer	Farmer	Jones	Webb	
Barnett	Golson	Kendall	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1502. Relating to the organization, jurisdiction and functions of certain Courts of Morgan County; revising the inferior court system of said county; establishing "The County Court of Morgan County, Alabama", defining its jurisdiction and powers, providing for its officers, their election; terms of office, powers, duties, and compensation, and for costs and fees in such court, abolishing "The Morgan County Court" of Morgan County under the special laws creating it, providing for the transfer of all cases pending in said court to "The County Court of Morgan County, Alabama," and providing for juvenile detention facilities in Morgan County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Gaither	Haltom	Robison
Berryman	Givhan	Hines	Turner
Caffey	Godfrey	Kendall	Webb
Clark	Golson	Leonard	Wilson
Cooper	Graham	Moses	Word
Crawford	Green	Porter	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1375. To establish a merit system for the City of Decatur; to provide a policy for the administration of this act; to divide positions in the city into classified and exempt services, and to provide for changes between such services; to provide a status for present employees, personnel rules and personnel plans of the city; to provide for the organization of the Personnel Board of the city, to establish the qualifications of its members and the duties they will perform; to provide for the adoption, amendment and repeal of rules, regulations, job classification plans and pay plans to effectuate the purposes of this act; to provide for the employment of persons with and without competitive examination; to provide for temporary appointments and the manner in which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying-off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to require such Board to maintain certain records; to prohibit political activity by certain employees of the city; to provide for the expenses of such Board; and to guarantee certain rights to the governing body of the city and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Moses	
Andrews	Eddins	Haltom	Porter	
Archer	Farmer	Hines	Robison	
Barnett	Gaither	Jones	Samford	
Berryman	Golson	Kendall	Shelton	
Crawford	Graham	Leonard	Turner	
deGraffenried				—24

Nays: —0

The Bill:

H. 1503. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Robison	Word	
Crawford	Green	Samford	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 332. To amend the title and Section 1 of Act No. 221, H. 140, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 531), an act relating to the power, authority and jurisdiction of courts pursuant to final judgment upon bail bonds or undertakings in all counties having populations of not less than 63,750 nor more than 72,750.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Porter	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 549. To apply only in those counties having populations of not less than 100,000 nor more than 115,000, according to the latest or any subsequent federal decennial census and to provide further for the disposition of the proceeds of the sale of contraband or forfeited property and the distribution and disposition of the funds realized from such sales.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 549

Amend House Bill 549 as follows:

Wherever in said title and bill the figure "100,000" appears, strike said figure and insert in lieu thereof the figure "96,000".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Samford	
Andrews	Eddins	Haltom	Shelton	
Archer	Farmer	Hines	Turner	
Barnett	Gaither	Jones	Webb	
Berryman	Givhan	Kendall	Wilson	
Caffey	Godfrey	Leonard	Wyatt	
deGraffenried				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Green	Samford	
Andrews	Eddins	Haltom	Shelton	
Archer	Farmer	Hines	Turner	
Barnett	Gaither	Jones	Webb	
Berryman	Givhan	Kendall	Wilson	
Caffey	Godfrey	Leonard	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 334. To amend further Section 11 of Title 19, Code of Alabama

(1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in all counties having populations of not less than 63,750 nor more than 72,750 and in all counties having populations of not less than 39,550 nor more than 40,350 inhabitants, according to the 1960 or any subsequent federal decennial census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Jones	Turner
Berryman	Givhan	Kendall	Webb
Caffey	Godfrey	Leonard	Wilson
Clark	Golson	Moses	Word
Cooper	Graham	Porter	Wyatt
Crawford			

—24

Nays: —0

The Bill:

H. 1434. To alter and rearrange the boundaries of the town of Dora, Walker County, so as to annex certain territory to the town.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Samford
Andrews	Eddins	Hines	Shelton
Archer	Farmer	Jones	Turner
Barnett	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1516. To authorize and direct the county governing body of Mobile County to pay certain sums as supplementary pension payments to certain employees of the county entitled to retirement pay from sources to which the county has contributed.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Turner	
Caffey	Golson	Leonard	Word	
Cooper	Graham	Moses	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1515. To authorize the governing bodies of all counties having populations of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent federal decennial census, to appropriate county funds for the purpose of providing death compensation comparable and equal to death compensation payable under Article 2, Chapter 5, Title 26, Code of 1940, as amended, for the death of county employees arising out of and in the course of their employment, whether such death occurred prior or subsequent to the effective date of this Act; and to provide for the payment of such compensation.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Golson	Moses	
Andrews	Eddins	Haltom	Porter	
Archer	Farmer	Hines	Samford	
Barnett	Gaither	Jones	Shelton	
Berryman	Givhan	Kendall	Webb	
Caffey	Godfrey	Leonard	Word	
deGraffenried				—24

Nays: —0

The Bill:

H. 1517. To provide for temporary commitment of insane persons by the probate judge of Mobile County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Leonard	
Andrews	Dumas	Graham	Moses	
Archer	Eddins	Haltom	Samford	
Barnett	Farmer	Hines	Shelton	
Berryman	Gaither	Jones	Turner	
Caffey	Givhan	Kendall	Webb	
Clark				—24

Nays: —0

The Bill:

H. 1519. To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gaither	Hines	Samford	
Berryman	Givhan	Kendall	Shelton	
Caffey	Godfrey	Leonard	Turner	
Clark	Golson	Moses	Webb	
Cooper	Graham	Porter	Wilson	
Crawford	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1520. To create the Mobile Area Foundation for Public Higher Education to provide for, promote, and encourage education on a college or university level; to provide for the selection of the members and board of directors of such Foundation; to authorize and direct such board to become a public non profit corporation; to prescribe the manner of effecting such corporation; to authorize and empower the corporation to enter into agreements with certain public educational bodies for the purpose of providing public higher educational facilities for the Mobile area, to transfer property to such educational body for such purposes, to buy, sell, lease and hold land, to accept gifts and bequests for educational purposes, to make contracts, incur liabilities, borrow money, pledge assets and loan funds; and to provide for the perpetual succession of the corporation.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Jones	Turner	
Barnett	Farmer	Kendall	Webb	
Caffey	Gaither	Moses	Word	
Cooper	Givhan	Porter	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1479. To amend further Act No. 345, H. 793, approved September 24, 1923 (Local Acts of Alabama, 1923, page 237), which relates to the elec-

tion, duties, term of office and compensation of the county superintendent of education of Blount County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Haltom	Samford	
Andrews	Eddins	Jones	Shelton	
Archer	Farmer	Kendall	Turner	
Barnett	Givhan	Moses	Wilson	
Caffey	Golson	Porter	Word	
Cooper	Green	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1420. Relating to the times for holding court in the Twenty-sixth Judicial Circuit, repealing Act No. 58, H. 83, Regular Session 1951 (Acts of Ala. 1950-1951, vol. I, p. 276).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Andrews	Eddins	Haltom	Samford	
Archer	Gaither	Jones	Turner	
Barnett	Godfrey	Kendall	Wilson	
Caffey	Golson	Moses	Word	
Clark	Graham	Porter	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 1506. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annext certain territory to the City.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Berryman	Crawford	Farmer
Andrews	Caffey	deGraffenried	Gaither
Archer	Cooper	Eddins	Givhan

Golson	Kendall	Robison	Webb	
Green	Moses	Shelton	Word	
Hines	Porter	Turner	Wyatt	
Jones				—24

Nays: —0

The Bill:

H. 1525. To provide for the establishment and administration of a General Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees and officers of said County; to provide for membership and benefits for present and future employees, excepting, and provided that no person shall be eligible who is a member of or receiving retirement benefits under the provisions of that retirement system created by that certain Act of the Legislature No. 810, page No. 1411, General Acts of Alabama of 1951, approved September 11, 1951, or created by that certain Act of the Legislature No. 551, page No. 766, General Acts of Alabama of 1953, approved September 9, 1953. as amended by that certain Act of the Legislature No. 95, page No. 407, Second Special Session of the Legislature of Alabama of 1956, approved April 14, 1956.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Leonard	
Andrews	Dumas	Golson	Moses	
Archer	Eddins	Haltom	Samford	
Barnett	Farmer	Hines	Shelton	
Berryman	Gaither	Jones	Turner	
Caffey	Givhan	Kendall	Webb	
Clark				—24

Nays: —0

The Bill:

H. 1407. To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Eddins	Graham
Andrews	Crawford	Farmer	Green
Archer	deGraffenried	Godfrey	Haltom
Barnett	Dumas	Golson	Hines

Jones	Porter	Samford	Word
Kendall	Robison	Shelton	Wyatt
Moses			

—24

Nays: —0

The Bill:

H. 1406. To apply in all counties in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain two unmarked or undesignated passenger automobiles for official use. Said cars to be serviced by the county and to provide for the payment and expenses of their upkeep; defining violations of the act and prescribing penalties therefor; and repealing act No. 529, H. 1098, approved November 19, 1959, (Acts of Alabama 1959, p. 1304).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Cooper	Godfrey	Moses
Andrews	Dumas	Haltom	Samford
Archer	Eddins	Hines	Shelton
Barnett	Farmer	Jones	Turner
Berryman	Gaither	Kendall	Wilson
Caffey	Givhan	Leonard	Word
Clark			

—24

Nays: —0

The Bill:

H. 1408. To amend Section 23 of Act No. 929 S. 676 approved September 12, 1951 (General Acts of Alabama, 1951, page 1579) entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Barnett	Crawford	Eddins
Andrews	Clark	deGraffenried	Farmer
Archer	Cooper	Dumas	Golson

Graham	Jones	Robison	Wilson
Green	Moses	Samford	Word
Haltom	Porter	Shelton	Wyatt
Hines			—24

Nays: —0

The Bill:

H. 1404. To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, page 647, approved August 23, 1949, and as amended by Act No. 496, General Acts of Alabama of 1951, page 882, approved August 22, 1951.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Samford
Archer	Eddins	Hines	Shelton
Barnett	Farmer	Jones	Turner
Berryman	Gaither	Kendall	Word
Caffey	Graham	Leonard	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1482. To permit any bank located in Baldwin County, Alabama, to establish in the municipal limits of Gulf Shores, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the State Superintendent of Banks.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Moses
Andrews	Dumas	Haltom	Samford
Archer	Eddins	Hines	Shelton
Barnett	Farmer	Jones	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark			—24

Nays: —0

The Bill:

H. 1492. Relating to the selection of textbooks for use in public schools in counties having populations of 600,000 or more; amending further Section 12 of Act No. 412, S. 261, Regular Session 1945, an act providing for the adoption, selection, purchase and distribution of textbooks (Gen. Acts 1945, p. 647).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Godfrey	Robison
Andrews	Dumas	Golson	Samford
Berryman	Eddins	Haltom	Webb
Caffey	Farmer	Hines	Wilson
Clark	Gaither	Kendall	Word
Cooper	Givhan	Leonard	Wyatt
Crawford			—24

Nays: —0

The Bill:

H. 1495. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Dumas	Kendall	Shelton
Andrews	Eddins	Leonard	Turner
Archer	Farmer	Moses	Webb
Barnett	Golson	Porter	Wilson
Cooper	Graham	Robison	Word
Crawford	Green	Samford	Wyatt
deGraffenried			—24

Nays: —0

The Bill:

H. 1478. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Green	Robison	
Archer	Dumas	Haltom	Samford	
Berryman	Eddins	Hines	Shelton	
Caffey	Gaither	Leonard	Wilson	
Clark	Golson	Moses	Word	
Cooper	Graham	Porter	Wyatt	
Crawford				—24

Nays: —0

MOTION TO ADJOURN TO DAY CERTAIN

Mr. Cooper moved that when the Senate adjourns today, it adjourn to meet again Friday, September 1, 1961, at 12:01 A. M., which motion was adopted.

Yeas 21; Nays 6.

Yeas:

Messrs.:	Eddins	Green	Samford	
Andrews	Farmer	Hines	Shelton	
Barnett	Gaither	Jones	Turner	
Clark	Givhan	Porter	Webb	
Cooper	Golson	Robison	Word	
Crawford	Graham			
				—21

Nays:

Messrs.:	Berryman	deGraffenried	Haltom	
Archer	Caffey	Dumas		—6

FURTHER CONSIDERATION OF
GOVERNOR'S APPOINTMENT

The Senate proceeded to further consideration of the appointment by His Excellency, the Governor, of Honorable Eugene L. Evans, as a mem-

ber of the Civil Service Board of Anniston, and said appointment was confirmed by the Senate.

ORDER OF BUSINESS

The Chair ruled that the House Message containing Senate Bill 148, which is the general appropriation bill, is presently on the Secretary's desk and should be read.

POINT OF ORDER

Mr. Andrews raised the point of order that The Rules Committee Report containing the House Message, which contains H. B. 244, is the present order of business under Rule 1 of the Joint Rules of the Two Houses.

Mr. Dumas raised the Point of Order that H. B. 244, as a report from Rules Committee, does not take precedence.

The Chair sustained the Point of Order raised by Mr. Dumas, and stated the business before the Senate is the House Message containing S. B. 148.

APPEAL FROM RULING OF THE CHAIR

Mr. Turner appealed from the Ruling of the Chair.

RULING OF THE CHAIR

The Chair recognized Mr. Dumas for the purpose of debating the appeal from the Ruling of the Chair by Mr. Turner. The Chair stated that reasonable debate will be allowed on appeal from the Ruling of the Chair as long as debate is for actual edification.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 13. To repeal Act No. 271, H. 674, approved October 9, 1959, entitled, "An Act relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges" (Acts of Alabama 1959, vol. I, p. 835).

Also:

S. 15. Relating to counties having a population of not less than fourteen thousand four hundred (14,400) nor more than fourteen thou-

sand nine hundred (14,900) inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties.

Also:

S. 16. To repeal Act No. 139, H. 435, approved September 21, 1959, entitled, "An Act to regulate the compensation of members of the county board of education in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census" (Acts of Alabama 1959, vol. I, p. 660).

Also:

S. 17. Relating to counties having a population of not less than 14,400 nor more than 14,900 inhabitants according to the last or any subsequent decennial census of the United States; authorizing the establishment by banks within such counties of branch banks within the county, subject to the approval of the Superintendent of Banks.

Also:

S. 18. To repeal Act No. 606, H. 974, approved September 15, 1953, entitled, "An Act relating to counties having a population of not less than 18,200 nor more than 18,600 inhabitants according to the last or any subsequent decennial census of the United States; authorizing the establishment by banks within such counties of branch banks within the county, subject to the approval of the Superintendent of Banks" (Acts of Alabama 1953, vol. II, p. 862).

Also:

S. 19. To repeal Act No. 741, S. 670, approved September 5, 1951, entitled, "An Act to provide that in all counties having a population of not less than 13,500 nor more than 15,500, the Board of County Commissioners, Board of Revenue, or other like governing boards may designate one or more State or National Banks as the County Depository" (Acts of Alabama 1951, vol. II, p. 1293).

Also:

S. 20. To repeal Act No. 574, H. 580, approved August 30, 1951, entitled, "An Act relating to counties having populations of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census; authorizing the governing body of any such county to provide for the appointment by the sheriff of a deputy sheriff in addition to all other deputies provided by law" (Acts of Alabama 1951, vol. II, p. 1012).

Also:

S. 21. To repeal Act No. 423, H. 581, approved August 15, 1951, entitled, "An Act relating to counties having populations of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census; authorizing the governing body of

any such county to provide for the employment of a deputy clerk in the office of the Clerk of the Circuit Court" (Acts of Alabama 1951, vol. I, p. 757).

Also:

S. 22. To repeal Act No. 644, H. 1098, approved September 20, 1957, entitled, "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than twelve thousand five hundred nor more than fifteen thousand, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 975).

Also:

S. 23. To repeal Act No. 385, H. 730, approved September 4, 1957, entitled, "An Act relating to municipalities having a population of not less than 3,325 nor more than 3,350, according to the last or any subsequent federal decennial census; providing further for the public health and safety in such municipalities; prohibiting any person to build, maintain, or use a privy, or to own any building which does not have screened doors and windows, in such municipalities; and providing for the installation of water closets, septic tanks, and screens, and for the connection of such water closets with such septic tanks or the municipal sewerage system, by the municipality, and for the assessment of the cost thereof against the owner, in the event the owner fails to make such installation or connection, or to screen such doors and windows" (Acts of Alabama 1957, vol. I, p. 513).

Also:

S. 24. To repeal Act No. 264, H. 548, approved August 16, 1957, entitled, "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than 14,000 nor more than 16,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. I, p. 339).

Also:

S. 197. To amend Section 1 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Also:

S. 198. To provide for the election of school trustees in Winston County, fix their terms of office, and prescribe their qualifications.

Also:

S. 228. To amend the title and Section 1 of Act No. 153, H. 449, approved June 30, 1953 (Acts of Alabama 1953, vol. I, p. 195), regulating

and fixing the minimum salary of firemen and policemen in certain cities classified on a population basis.

Also:

S. 229. To amend the title and Section 1 of Act No. 112, H. 380, approved June 19, 1951 (Acts of Alabama 1951, vol. I, p. 337), providing for the name, number and designation of the governing body of certain cities classified on a population basis; providing for the selection of employees in all such cities and prescribing the authority of the governing body of such cities with respect to such employees; providing for the distribution of the powers and duties of and among the members of the governing body of each such city; and providing for their compensation.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 375. To require all county officers on a salary basis in counties having a population of three hundred thousand (300,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, costs, commissions, and perequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties.

Also:

S. 379. To repeal Act No. 498, H. 328, approved July 6, 1945, entitled "To require all county officers on a salary basis in counties having a population of one hundred forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for them growing out of the performance of their official duties." (Acts of Alabama 1945, page 725).

Also:

S. 380. To require all county officers on a salary basis in counties having a population of three hundred thousand (300,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said of-

fices or monies charged or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for them growing out of the performance of their official duties.

Also:

S. 383. To repeal Act No. 281, H. 559, approved August 11, 1947, entitled "To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of over 140,000 and less than 400,000, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; and to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and cost of court for the performance of the duties authorized by this act. (Acts of Alabama 1947, page 140).

Also:

S. 384. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of over 300,000 and less than 500,000, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; and to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and cost of court for the performance of the duties authorized by this act.

Also:

S. 389. To repeal Act No. 429, H. 659, approved September 25, 1947, entitled "To require the tax assessor of counties having a population of not less than 140,000 and not more than 400,000 inhabitants as shown by the last or any succeeding federal census, in addition to such duties as are now required of him by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor of such counties on account of such extra duties." (Acts of Alabama 1947, page 311.)

Also:

S. 390. To require the tax assessor of counties having a population of not less than 300,000 and not more than 500,000 inhabitants as shown by the last or any succeeding federal census, in addition to such duties as are now required of him by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor of such counties on account of such extra duties.

Also:

S. 405. Relating to cities having a population of not less than 175,000 nor more than 250,000, according to the last or any subsequent federal decennial census; fixing the compensation of the members of the city commission, council, or like governing body of any such city.

Also:

S. 406. To repeal an Act entitled "Relating to cities having a population of not less than 125,000 nor more than 250,000, according to the last or any subsequent federal decennial census; fixing the compensation of the members of the city commission, council, or like governing body of any such city" approved September 6, 1957.

Also:

S. 416. To provide further for the purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

S. 445. To fix the compensation of the sheriffs of all counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census.

Also:

S. 453. To amend Section 339 of Title 62, Code of Alabama 1940, as amended, relating to the judges of the Fifteenth Judicial Circuit of Alabama (Montgomery County).

Also:

S. 460. To repeal Act No. 455, H. 975, General Acts of Alabama, 1949, page 659, providing for an action of ejectment to recover possession of real property sold under a title retained agreement of sale in counties having a population of not less than 140,000 nor more than 300,000, as amended by Act No. 327, H. 876, General Acts of Alabama 1957, page 431.

Also:

S. 461. To provide in all counties in this State having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census, for an action of ejectment to recover possession of real property sold under an agreement of sale whereby title to said real property is retained until full payment of the purchase price is made when default has been made in the payments provided for by such agreement of sale; to provide for the redemption of such property; to provide that said action shall not apply to real estate on which buildings and improvements are not located on the date of said agreement; and to provide that any such agreement of sale covering such improved real property may be cancelled and annulled when the purchaser has defaulted in the payments due by such agreement for a period of ninety (90) days by written notice to the purchaser either served on him personally or by registered mail of such default and cancellation.

Also:

S. 463. To repeal Act No. 563, S. 427, approved July 6, 1943 (Acts of 1942-1943, p. 561) and any and all other acts amendatory of said Act No. 563, which provides for an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent federal census.

Also:

S. 464. To repeal Act No. 733, S. 543, approved September 20, 1957. (Acts of 1957, vol. II, p. 1153), which fixes the compensation of the coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent federal decennial census.

Also:

S. 465. To prescribe the compensation of coroners in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent decennial Federal census, and the method of payment thereof; to provide an assistant for such coroners to be known as the Coroner's Physician, and to provide for his appointment, qualifications, compensation, allowances and method of payment thereof.

Also:

S. 478. Relating to all cities in the State of Alabama having a population of not less than 60,000 people nor more than 70,000 people, according to the last or any succeeding regular federal decennial census; providing for a special referendum in any such city for the purpose of giving the qualified electors of the city an opportunity to express themselves for or against the participation by such city in an Urban Renewal Project; authorizing an expenditure from general funds of such municipality to pay the cost of such election; and authorizing expenditures from the general fund of such city to pay the cost of any election heretofore held prior to the adoption of this act; and approving prior expenditures for such elections which have been heretofore held.

Also:

S. 480. To alter, rearrange and extend the boundaries and cor-

porate limits of the Town of Camden, Wilcox County, Alabama, so as to annex certain territory to the Town.

Also:

S. 481. To alter and rearrange the boundaries of the town of Camden, Wilcox County, so as to annex certain territory to the town.

Also:

S. 483. To repeal Act No. 166, H. 443, approved June 21, 1945, an act relating to the creation of redevelopment agencies in certain counties classified on a population basis (Gen. Acts 1945, p. 254).

OAKLEY MELTON, JR.,

Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1524. To alter, re-arrange and extend the boundaries and corporate limits of the City of Tuskegee in Macon County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	deGraffenried	Graham	Robison
Andrews	Dumas	Green	Turner
Berryman	Farmer	Haltom	Webb
Caffey	Givhan	Leonard	Wilson
Clark	Godfrey	Moses	Word
Cooper	Golson	Porter	Wyatt
Crawford			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 498. To provide that in all counties having populations of not less than 55,000 nor more than 60,000 inhabitants according to the 1960 Federal Decennial Census or any subsequent Federal Decennial Census of the United States, the governing body of the county may transfer to the sheriff any supervision and control it has over county convicts.

Also:

S. 506. To repeal Act No. 89, H-161, approved April 14, 1956, Page 385, Acts of Alabama, Special Sessions 1956, entitled "An Act relating to rivers, streams and public impounded waters of any county having a population of not less than thirty-one thousand nor more than thirty-five thousand according to the last or any subsequent federal decennial census: To authorize the director of conservation to zone such waters and designate the zones or areas thereof in which speed boats may be used or operated and the zones or areas for fishing, to prescribe safety rules and special rules and regulations governing the use and operation of boats and governing fishing in such waters, and to employ a safety patrolman to enforce such rules and regulations; to prescribe the duties of such safety patrolman; and to prescribe his salary."

Also:

S. 495. To amend Act No. 488, General Laws of Alabama, approved September 10, 1957, Acts of 1957, p. 675, entitled, "To fix the time for opening and closing the polls at certain elections held in counties which now have or which may hereafter have a population in excess of 500,000, according to the last or any subsequent federal decennial census."

Also:

S. 327. To alter and rearrange the boundaries of the City of Huntsville so as to annex certain territory to the city.

Also:

S. 376. To amend Title 17, Section 27 of the Code of Alabama of 1940 as amended relative to special registration.

Also:

S. 377. To repeal Act No. 186, H. 344, approved July 2, 1953, entitled "To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of 150,000 or more according to the 1950 or any succeeding Federal decennial census." (Acts of Alabama 1953, page 238).

Also:

S. 378. To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of 300,000 or more according to the last or any subsequent Federal census.

Also:

S. 385. To repeal Act No. 195, H. 570, approved June 23, 1945, entitled "An Act Providing, in all counties having a population of not less than 140,000 and not more than 400,000 population according to the last or any subsequent federal census, for the preparation by the board of registrars of lists of registered voters, the correction of such lists, and the certification of such lists to the judge of the probate court in all cases where any new precinct, voting district or ward is created or divided by

any county, city or town; Providing for the calling of the board of registrars into session; Providing for the publishing of the lists of such voters; Providing for the alteration of the records in the office of the probate judge to conform to the lists; Providing for the employment and the fixing of salaries of all necessary clerks or assistants of the board of registrars and the payment of all expenses incurred in connection with this act; Fixing the salaries of the members of the board of registrars and providing for their payment; Providing that all provisions of this act shall be independent and separable; Repealing all laws or parts of laws in conflict herewith, and fixing the effective date of this act." (Acts of Alabama 1945, page 313).

Also:

S. 386. An Act providing, in all counties having a population of not less than 300,000 and not more than 500,000 population according to the last or any subsequent federal census, for the preparation by the board of registrars of lists of registered voters, the correction of such lists, and the certification of such lists to the judge of the probate court in all cases where any new precinct, voting district or ward is created or divided by any county, city or town; Providing for the calling of the board of registrars into session; Providing for the publishing of the lists of such voters; Providing for the alteration of the records in the office of the probate judge to conform to the lists; Providing for the employment and the fixing of salaries of all necessary clerks or assistants of the board of registrars and the payment of all expenses incurred in connection with this act; Fixing the salaries of the members of the board of registrars and providing for their payment; Providing that all provisions of this act shall be independent and separable; Repealing all laws or parts of laws in conflict herewith, and fixing the effective date of this act.

Also:

S. 511. To provide further for selection of textbooks for use in junior and senior high schools in counties having populations of not less than 150,000 nor more than 300,000; amending Section 12 of Act No. 412, S. 261, Regular Session 1945.

Also:

S. 513. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Also:

S. 514. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Also:

S. 515. To repeal Section 56 of Title 17, Code of Alabama 1940, which relates to meetings of, clerical assistants for and the salary or compensation of the members of the boards of registrars in counties having populations of more than 300,000.

Also:

S. 516. To repeal Act No. 171, H. 441, approved June 17, 1943, entitled, "An Act to provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties," (General Acts of Alabama 1943, p. 157).

Also:

S. 517. To repeal Act No. 668, H. 760, approved October 8, 1947, entitled, "An Act to provide for the registration of voters and purging registration lists in counties having a population of 300,000 or more according to the last or any subsequent federal census; and to provide for the compensation of the chairman and members of the Board of Registrars in such counties; and to provide for employment of clerical or secretarial employees under the provisions of the county Merit System Act," (General Acts of Alabama 1947, p. 509).

Also:

S. 526. To Amend Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof."

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 528. To amend Act No. 366, H. 73, Regular Session 1959, an act relating to the selecting of juries and alternate jurors in criminal cases in the circuit courts of counties having populations of not less than 200,000 nor more than 400,000 (Acts of Alabama 1959, vol. 2, p. 955).

Also:

S. 529. To propose an amendment to the Constitution of Alabama authorizing certain funds derived from the school taxes levied in Calhoun County pursuant to the provisions of that certain amendment to the Constitution proposed by Act No. 587 enacted at the 1947 Regular Session of the Legislature of Alabama to be used for public school purposes generally; authorizing the refunding of any bonds now outstanding or hereafter issued under the provisions of said amendment or of the amendment proposed hereby; authorizing the issuance of bonds for the combined purposes of so refunding any such bonds and acquiring, constructing and improving public school buildings; providing that any bonds is-

sued under said amendment or under the amendment proposed hereby shall be negotiable instruments and legal investments for trust funds; and providing that bonds may be issued under the amendment proposed hereby without a further election and without being chargeable to the constitutional debt limit of the issuing political subdivision.

Also:

S. 533. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes in Clay County.

Also:

S. 537. To repeal Act No. 187, S. 339, approved June 29, 1951, as amended, creating a firemen and policemen's pension and relief fund in cities having a population of not less than 45,000 nor more than 54,000 inhabitants according to the preliminary count as of April 1, 1951 of the latest federal census or which shall have such population according to any such census that may be taken hereafter, (Acts of Alabama 1950-51, p. 438).

Also:

S. 538. To repeal Act No. 509, S. 570, approved August 22, 1951, entitled "An Act Relating to cities having a population of not less than 35,000 nor more than 55,000 inhabitants; authorizing such cities to levy and collect privilege license taxes on the sale of malt or brewed beverages within their police judisdictions at the same rate as such taxes are levied within their corporate limits," (Acts of Alabama 1950-51, p. 900).

Also:

S. 539. To repeal Act No. 384, S. 286, approved November 6, 1959, entitled "An Act Relating to municipalities having a population of not less than 40,000 nor more than 50,000, according to the last or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government," (Acts of Alabama 1959, vol. 2, p. 999).

Also:

S. 540. Relating to municipalities having a population of not less than 60,000 nor more than 70,000, according to the 1960 or any subsequent federal decennial census; providing optional forms of government which may be adopted by such municipalities; and providing the method by which any such municipality may adopt such an optional form of municipal government.

Also:

S. 549. To provide for the relief of John M. Ward of Winston County; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Winston County to compen-

sate John M. Ward for damages sustained when his truck was involved in a collision with a county vehicle.

Also:

S. 550. To provide for the relief of John Lockhart of Winston County; authorizing and directing the board of revenue, court of county commissioners, or other like governing body of Winston County to compensate John Lockhart for personal injuries and other damages sustained by him in connection with a collision in which a county vehicle was involved.

Also:

S. 551. To amend further Act No. 539, S. 253, approved July 23, 1931, providing for a board of education for Winston County (Local Acts of Alabama 1931, p. 257) so as to provide further for the manner of election of such board; to prescribe their term of office; and to provide for selection of a chairman of the board.

Also:

S. 552. To confer upon the circuit solicitor and other solicitors in all counties having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last or any subsequent federal decennial census the power to take oaths in support of complaints and to issue warrants in all criminal cases in such counties.

Also:

S. 518. To provide for the disposition, in all counties of this State which, according to the 1960 federal census, or any subsequent federal census, have a population of 500,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the state highway department concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama highway laws, where the persons thus convicted have been arrested by the sheriff, or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties.

Also:

S. 519. To amend Act No. 529, H. 898, of the Regular Session of 1953, which relates to authority of the county board of education in counties of certain populations.

Also:

S. 520. To amend Act No. 530, H. 897, of the Regular Session of 1953, which relates to the authority of the city board of education in counties of certain populations.

Also:

S. 557. To regulate further the conduct of elections in all counties

having populations of 500,000 or more; amending Code of Alabama 1940, Title 17, Section 110, in relation to the use of paper ballots at certain voting places.

Also:

S. 283. To provide for the relief of Mrs. Fred Bull, by Marion County.

Also:

S. 313. Relating to the municipality of Bear Creek, in Marion County, Alabama: To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Bear Creek, Alabama.

Also:

S. 556. To apply in all counties having populations of not less than 65,000 nor more than 95,000; directing the county governing body in each such county to pay for certain radio communication equipment and for the installation of a two-way radio in the coroner's car.

Also:

S. 391. To repeal Act No. 245, H. 343, approved June 26, 1945, entitled "To create the office of Commissioner of Licenses in all counties of this State having a population of not less than 140,000, nor more than 400,000, according to the last or any subsequent Federal census; to provide for the method of electing said officer; to fix his term of office; to fix his compensation; to prescribe his duties and define his powers; to provide for the appointment of a Deputy Commissioner of Licenses and for the appointment of necessary clerical assistants in said office; and to further provide that said Commissioner of Licenses shall issue all licenses, except marriage licenses, assess for taxation, collect the ad valorem taxes, issue the licenses and distribute the tags on all motor vehicles in such counties; to transfer the duties from the Tax Assessor, Tax Collector and Judge of Probate in such counties to said Commissioner of Licenses of all matters relative to the registration, assessment for taxes, collection of ad valorem taxes and distribution of tags for motor vehicles, and the issuances of all licenses, except marriage licenses." (Acts of Alabama 1945, page 367).

Also:

S. 392. To repeal Act No. 22, H. 73, approved May 26, 1955 entitled "To apply in all counties having a population of not less than 230,000 nor more than 500,000 inhabitants, according to the last or any subsequent federal decennial census; to fix the compensation of the commissioner of licenses in all such counties." (Acts of Alabama 1955, page 233).

Also:

S. 394. To repeal Act No. 17, H. 19, approved March 23, 1955 entitled "To extend the term of office of Commissioner of Licenses in all

counties of this State having a population of not less than 230,000 nor more than 400,000, according to the last or any subsequent Federal census, for a period of two years from the expiration of their present term of office; to provide how, when and for what term of office their successors shall be elected and to repeal only those laws or parts of law, which are in conflict herewith." (Acts of Alabama 1955, page 126).

Also:

S. 324. To alter, rearrange, and extend the boundary lines and corporate limits of the City of Florence in Lauderdale County so as to annex certain territory to the city.

OAKLEY MELTON, JR.,

Clerk.

FURTHER CONSIDERATION OF APPEAL FROM RULING OF THE CHAIR CHAIR OVER-RULED

The Senate proceeded to further consideration of The Appeal from the Ruling of the Chair by Mr. Turner, and the Ruling of the Chair was not sustained by the Senate.

Yeas 20; Nays 11.

Yeas:

Messrs.:	Gaither	Jones	Rutledge	
Andrews	Givhan	Leonard	Shelton	
Barnett	Golson	Moses	Turner	
Cooper	Graham	Porter	Webb	
Crawford	Green	Robison	Wyatt	
Eddins				—20

Nays:

Messrs.:	Caffey	Dumas	Hines	
Archer	Clark	Godfrey	Samford	
Berryman	deGraffenried	Haltom	Word	
				—11

ORDER OF BUSINESS

Thereupon, the Order of Business of the Senate was the Report from the Standing Committee on Rules relative to H. B. 244.

The question was on the substitute motion by Mr. Turner that the Senate reconsider the bill, H. B. 244, and repass the bill, the Governor's veto to the contrary notwithstanding, for the motion by Mr. Dumas that the bill, H. B. 244, be re-committed to the Standing Committee on Rules.

MOTION IN WRITING

Mr. deGraffenried offered the following motion in writing:

"I move that the susbtitute by Senator Turner concerning H. B. 244, be postponed to the 36th Legislative day at the hour of 2 o'clock P.M.

deGraffenried"

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 561. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

Also:

S. 571. Proposing an amendment to the Constitution of Alabama, relative to the levying of additional taxes for school purposes within Montgomery County.

Also:

S. 577. Relating to the operation of public schools in Dallas County and in the City of Selma; to confer on the employing board of education, exclusive and plenary authority to appoint and fix the conditions and tenure of employment of instructors, principals, supervisors, and teachers in the public elementary and high schools in Dallas County and in the City of Selma; repealing as to Dallas County and the City of Selma the provisions of Chapter 13 of Title 52, Code of Alabama 1940, as amended and supplemented.

Also:

S. 578. Relating to the levy of additional taxes for certain purposes in Clay County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

S. 484. To permit certain muncipal corporations located within counties which now have or may hereafter have a population in excess of 500,000 according to the last or any succeeding decennial Federal census to continue to have authority to establish zoning districts and to regulate buildings and structures within their police jurisdicton in the same manner and have the other powers and duties and subject to the same restrictions as provided in Sections 772 to 785, Title 37, Alabama Code of 1940.

Also:

S. 584. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 110,000 nor more than 150,000, according to the 1960 or any subsequent federal decennial census.

Also:

S. 585. To revise and amend Act No. 658, H. 1030, approved November 21, 1959, providing for a privilege, license, or excise tax in Madison County on the sale, distribution, storage, use or other consumption in the county of cigarettes, so as to provide for collection and enforcement of the tax by local officers instead of the state department of revenue; authorizing the county governing body to adopt rules, regulations, and orders governing collection and enforcement of the tax and to prescribe penalties for violations of such rules, regulations, and orders.

Also:

S. 587. To alter, rearrange and extend the boundary lines of the Town of Pisgah, Jackson County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Jackson County, Alabama.

Also:

S. 588. To provide for additional suit fees in certain cases brought in circuit courts of counties having populations of not less than 14,400 nor more than 14,900.

Also:

S. 591. Proposing a constitutional amendment relative to levying and collection of additional property taxes in Talladega County for public school purposes.

Also:

S. 603. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, 32 and 33, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 628. To propose an amendment to the Constitution of Alabama

authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Also:

S. 644. To alter, rearrange and extend the boundaries and corporate limits of the town of Camden, Wilcox County, Alabama, so as to annex certain territory to the town.

Also:

S. 623. To regulate further the compensation of the county superintendent of education of Bibb County and to repeal Section 3 of Act No. 99, H. 235, approved March 29, 1933, which provides for the election of a county superintendent of education for Bibb County, Alabama (Local Acts of Alabama 1933, p. 31).

Also:

S. 653. To apply in counties having a population of 500,000 or more according to the last or any succeeding decennial Federal census, to provide for emergency absentee ballots and emergency absentee voters lists for particular elections in such counties, the procedure for being listed on such list and for obtaining and voting such ballots, the duties to be performed by the Board of Registrars of such County in connection therewith and penalties for making a false affidavit or statement to obtain an emergency absentee ballot.

Also:

S. 636. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent census.

Also:

S. 631. To amend the title and also the body of Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, pages 366, et seq.)

Also:

S. 660. To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census.

Also:

S. 661. Relating to counties having a population of not less than 500,000 inhabitants according to the 1960 or any subsequent federal decennial census; providing further for elections in such counties by authorizing and providing for the use of paper ballots at certain voting places.

Also:

S. 664. To amend Act No. 530, H. 1096, Regular Session 1959, an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

Also:

S. 629. To establish, subject to the conditions stated in this title and in the Act, in each city of the State having a population of 300,000 or more, according to the last or any succeeding federal census, a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter established under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama 1951, page 1579, et seq. as amended) and on whose account or for whose benefit the city by which they are employed makes no contribution or pays no tax to the United States of America under the federal Social Security Act; to provide that the Act shall not be operative in any such city so long as there is operated, or maintained, in the city the pension system provided for by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, and to provide, further, that if and when any such pension system provided for by said Act No. 556 for any reason is not operated and maintained in the city this Act shall become operative in the city; to provide for the creation and maintenance of a fund for the administration of the pension system hereby created; to provide for paying into the fund certain amounts to be deducted from the salaries of the members of the said pension system and to provide also for paying into the said fund contributions by the city matching the deductions from the salaries of the members of the said system; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this Act; to provide that from the fund of the system established by this Act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the Board of Managers of the system created by said Act Number 929 to receive said payments; to establish a Board of Managers for the pension system hereby created and to provide for the method of selection of the said Board and to define the power, authority and duties of the said Board of Managers; to provide for the actuarial study investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this Act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at times specified in the Act the Board of Managers of the pension system established by the Act shall present to each member of the House of Representatives and to the member of the senate of the Legislature of Alabama residing in any county or senatorial district wherein there is established any pension system provided for by this Act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what changes he considers necessary.

Also:

S. 658. To repeal Act No. 281, H. 514, Regular Session 1961, en-

titled "To regulate further the feeding of prisoners in jail in all counties having a population of not less than 16,150 nor more than 17,350, according to the last or any subsequent federal decennial census."

Also:

S. 659. To provide for the collection and enforcement by the state department of revenue of certain privilege license taxes levied or assessed by the city of Eufaula, Barbour County.

Also:

S. 652. To authorize and make provision for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, constructing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitions or for the conduct of any lawful business at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such pledge may be provided for in an indenture between said authority and a corporate trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolu-

tion authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

Also:

S. 663. To regulate the trials of Civil Cases in Jefferson County and to increase the jurisdiction of the Jefferson County Civil Court and to increase the compensation of the Judges of said court.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 455. Relating to Judicial Notice of Ordinances of Cities Which May Now or Hereafter Have a Population of One Hundred Thousand and not exceeding Two Hundred Thousand People According to the Last Or Any Succeeding Federal Census in all criminal or quasi-criminal cases.

Also:

S. 507. To Amend Sections 4, 6, 8, 9, 23, 28, 29 and 33 of an Act entitled An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for trial tax and other fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said court; to provide for an official court reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931, as amended by Act approved July 7, 1947, and as further amended by Act approved May 30, 1951.

Also:

S. 411. To amend Act No. 132, H. 138, Second Special Session 1959, an act providing for a law and equity court of Crenshaw County (Acts of Alabama 1959, vol. I, p. 382).

Also:

S. 412. To regulate further the compensation and allowances of election officers in Crenshaw County.

Also:

S. 413. To provide for the election of members of the county board of education of Crenshaw County.

Also:

S. 414. To provide clerical assistants for sheriffs of all counties having populations of not less than 14,900 nor more than 15,200, according to the 1960 or any subsequent federal decennial census; prescribing the duties of such clerks and providing for the payment of their compensation.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed passed the following Senate bills and returns same herewith to the Senate:

S. 14. To repeal Act No. 214, S. 169, approved July 21, 1953, entitled, "An Act relating to cities having a population of not less than 10,000 nor more than 12,000 inhabitants, according to the 1950 or any subsequent decennial census of the population of the United States; changing the time and method of electing and fixing the term of office of members of the board of commissioners of any such city" (Acts of Alabama 1953, vol. I, p. 281).

Also:

S. 604. To provide for the appointment, duties, qualifications, term, compensation and assistant of the coroner in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

Also:

S. 605. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 15 and 22, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 609. To amend the title and section 1 of Act No. 602, S. 622, approved September 4, 1951 (Acts of 1950-51, p. 1039) authorizing the making of settlements of paving tax assessments in all cities having a popula-

tion of not less than 78,500 nor more than 200,000 inhabitants.

Also:

S. 610. To amend Section 151 of Title 52, Code of Alabama 1940, as amended, relating to city boards of education.

Also:

S. 612. To amend the title and section 1 of Act No. 285, H. 730, approved June 28, 1943, entitled "An Act To confer Power of Condemnation Upon Cities Which May Now or Hereafter Have A Population Of Two Hundred Thousand Or More Inhabitants According To The Last Or Any Succeeding Federal Census," (General Acts of Alabama 1943, p. 249).

Also:

S. 613. To amend the title and section 1 of Act No. 286, H. 731, approved June 28, 1943, entitled "An Act To Delegate To Cities Which May Now or Hereafter Have A Population Of Two Hundred Thousand Or More Inhabitants According To The Last Or Any Succeeding Federal Census Unlimited Police Power For Exercise Through The Adoption Of Ordinances Having Application Within The Corporate Limits And Police Jurisdiction Thereof," (General Acts of Alabama 1943, p. 250).

Also:

S. 614. To amend the title and section 1 of Act No. 389, Regular Session 1935 (General Acts 1935, p. 847), an act relating to firemen's pension and relief funds in certain cities classified on a population basis, as amended and reenacted by Act No. 573, Regular Session 1939 (General Acts 1939, p. 910), and further amended and reenacted by Act No. 307, Regular Session 1943 (General Acts 1943, p. 264).

Also:

S. 615. To amend the title and Section 1 of Act No. 215, S. 278, approved July 24, 1947, entitled "An Act To provide in any city of the State of Alabama having a population of 200,000 or more according to the last or any subsequent Federal Census for the incorporation of an authority to lease, or own, or otherwise acquire and provide, control and operate fairgrounds, parks, exhibits, exhibitions and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of such city; to provide for the management of said authority by a board of directors; to provide for the appointment, and term of office and removal of said directors; to provide for the powers of such authority; to authorize the city to lease or sell and convey to the authority real or personal property; to provide for the terms and conditions on which said authority may conduct, operate, manage or promote amusements or recreational activities; to empower such authority to construct or acquire recreational facilities and installations for amusement; to empower the authority to borrow money and issue bonds and execute mortgages or other conveyances as security for money so borrowed; to authorize the city to make appropriations or to lend money to the authority; and to accord the authority exemption from State, county and city taxa-

tion," (General Acts of Alabama 1947, p. 81), as amended.

Also:

S. 616. To amend the title and Section 1 of Act No. 654, S. 587, approved September 19, 1949, entitled "An Act To authorize any and every city which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any succeeding federal census to establish from time to time one or more park assessment districts within, or partly within and partly without, the corporate limits thereof and to provide or improve or provide and improve a public park within the corporate limits of such city in any such park assessment district and to assess all or any part of the cost of providing or improving or providing and improving such public park against all parcels of privately owned land in the park assessment district in which such public park is situated and which have been increased in value by reason of the special benefits derived from the provision or improvement or provision and improvement of such public park; to fix the rank of such assessment liens in relation to other liens; to provide for the collection and enforcement of such liens; to provide for the financing of the cost of providing or improving or providing and improving such public park; and to provide the manner in which such assessments and liens may be used in aid of such financing," Acts of Alabama 1949, p. 1009.

Also:

S. 617. To amend the title and Section 1.01 of Act No. 518, H. 908, approved September 3, 1953, entitled "An Act To provide a form of municipal government to be known as the council-manager form of government, which may be adopted by any city in the State of Alabama having a population of more than 200,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the council-manager form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the appointment and removal of a city manager and temporary city manager, and to provide the duties and authority of such officers; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the council-manager form of government; to make various other provisions for any such city which adopts the council-manager form of government and for the government thereof; and to provide for the means of abandoning the council-manager form of government and the adoption by the city of other forms of municipal government in lieu thereof," (Acts of Alabama 1953, vol. I, p. 652).

Also:

S. 618. To amend the title and section 1 of Act No. 434, H. 966, ap-

proved September 9, 1955, entitled "An Act To provide that in any election held for the purpose of authorizing a change in the form of government of any city with a population of 200,000 inhabitants or more according to the last or any succeeding federal census the electorate of such city shall be entitled to choose at such election between the Commission form of Government, the Mayor Council form of Government and the Council Manager form of Government; To provide for the ballots to be used in any such election, the conduct thereof, the canvass of the vote, and the declaration and certification of the result," (Acts of Alabama 1955, vol. II, p. 980).

Also:

S. 619. To amend the title and section 1.01 of Act No. 452, H. 974, approved September 9, 1955 (Acts of 1955, p. 1004), providing a mayor-council form of government for all cities having a population of more than 200,000 inhabitants.

Also:

S. 624. Providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

S. 633. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

Also:

S. 634. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

S. 639. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Also:

S. 640. To levy a privilege or license tax upon the sale, distribution,

delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

S. 641. To alter, re-arrange and extend the boundaries of the Town of Maplesville.

Also:

S. 646. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering and a lien of its judgments.

Also:

S. 647. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Also:

S. 651. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the City.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 39. To amend Section 8, Title 27, Code of Alabama 1940, relating to penalty for violation of provisions of adoption statue.

Also:

S. 213. To amend further Section 89, Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Also:

S. 133. To provide for and regulate elections in the cities and towns of 300,000 population or less which have a commission form of government: designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Also:

S. 246. To authorize Recorders in municipal courts to issue search warrants directed to municipal marshalls or policemen, and to provide the circumstances under which such search warrants may be issued.

Also:

S. 242. To suppress traffic in obscene publications, defining terms, prescribing penalties, and providing enforcement procedures against residents or non-residents.

Also:

S. 2. Proposing an amendment of Section 178 of the Constitution of Alabama, which relates to the qualifications for voting, to change the residence requirements.

Also:

S. 140. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, p. 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," as previously amended by Act No. 638, H. 713, approved November 19, 1959 (Acts of Alabama, 1959, p. 1554), in order to clarify said Act, as amended, so that it will be clear that the books and records referred to in Section 2 of said Act, as amended, may be reproduced and the originals destroyed in the same manner as in the case of other books and records.

Also:

S. 141. To amend Section 1 of Act No. 306, H. 253, approved July 7th, 1945 (General Acts of Alabama, 1945, page 499) entitled "An Act to relieve from the operation of any existing laws against perpetuities or suspension of the power of alienation of title to property a trust of real or personal property created by an employer as a part of the stock bonus plan, pension plan, disability or death benefit plan, or profit sharing plan

for the exclusive benefit of some or all of the employer's employees" by further relieving such trusts from the operation of any existing laws against trusts for the accumulation of income, and by extending the coverage of said Act, as amended, to retirement trusts created by self-employed persons, and to trusts created for the collective investment of the funds of any trusts within the coverage of this Act, as amended.

Also:

S. 142. Providing that the designation of beneficiaries of any trust set up for any group of employees shall be valid and that any trustee or other person may properly make payments to any person designated as a beneficiary of such a trust.

Also:

S. 143. Relating to the registration and transfer of securities by fiduciaries, and defining and limiting liability with respect thereto, and to make uniform the law with reference thereto, and to repeal Section 3 of Act 557, S. 174, approved July 7, 1943, (General Act of Alabama, 1943, page 544) known as the Uniform Fiduciaries Act.

Also:

S. 248. To regulate sentence to hard labor for nonpayment of costs; amending Section 342 of Title 15, and Section 84 of Title 45, Code of Alabama 1940, in relation to the per diem rate of working out costs.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 90. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Also:

S. 91. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Also:

S. 92. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Also:

S. 132. To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Also:

S. 137. To provide insulation from liability to banks, brokers, issuers, third parties and transfer agents who handle securities and security transactions with minors, unless such bank, broker, issuer, third party or transfer agent has written notice of minority prior to such transaction; to authorize payment of dividends on stock and other moneys to minors; and to prevent disaffirmance or avoidance of certain security transactions by a minor.

Also:

S. 138. To permit executors, administrators and trustees to acquire, hold and dispose of interests in partnerships and to form new partnerships, both general and limited, in a fiduciary capacity, and to limit the liability of such executors, administrators, and trustees so acting to the assets of such estate or trust.

Also:

S. 139. To establish the validity of bequests and devises made by will to the trustee or trustees of an existing trust.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 82. To amend Sections 39, 40 and 48 of Act No. 414 of the Alabama Legislature approved November 13, 1959, and to provide additional officers who may sign stock certificates and to provide that the par value of stock of a corporation need not be expressly stated in the stock certificate; to provide for the use of abbreviations in inscribing stock certificates; to provide for the issuance of fractional shares or scrip or

for the combining of fractional interests into full shares to be sold for the account of stockholders and to provide that requests for inspection of stock voting lists be in writing.

Also:

S. 83. To regulate the practices of engineering and land surveying; to provide for the registration of qualified persons as professional engineers and land surveyors; to provide for the certification of engineers-intraining; to create a State Board of Registration for Professional Engineers and Land Surveyors; to provide for the appointment and compensation of its members; to fix the term of members of the Board and to define the powers and duties of the Board; to provide the minimum qualifications and other requirements for registration; to establish fees with expiration and renewal requirements; to limit the public works that can be constructed by the state and political subdivisions thereof without engineering supervision by persons properly registered; and to provide for the enforcement of this Act and penalties for its violation; and to repeal conflicting laws, including Sections 129 through 150 inclusive of Title 46, Chapter 7, Code of Alabama (1940), as amended.

Also:

S. 58. To repeal in toto Title 6 (Bastardy) Code of Alabama, 1940, establishing procedure for determination of paternity of illegitimates, prescribing and defining the civil obligations of the father of an illegitimate child and establishing civil procedures for the enforcement of such obligations; prescribing a statute of limitations as to the time within which proceedings may be brought under this Act.

Also:

S. 220. To amend Section 331, Title 14, Code of Alabama 1940, to delete the theft of any cow or animal of the cow kind from the enumeration of acts that constitute grand larceny.

Also:

S. 221. To create the offense of cattle theft; to prescribe penalties and the form of indictment therefor.

Also:

S. 79. To further amend Section 58 of Title 2, Code of Alabama of 1940, as amended, which relates to the filing and registration of commercial feeds with the Commissioner of Agriculture and Industries for the sale and distribution of such feeds.

OAKLEY MELTON, JR.,

Clerk.

FURTHER CONSIDERATION OF RULES

COMMITTEE REPORT

The Senate proceeded to further consideration of the Report from

Rules relative to HB 244. The question was on the substitute motion by Mr. deGraffenried that further consideration of the motion by Mr. Turner that the Senate reconsider and repass the bill, HB 244, the Governor's veto to the contrary notwithstanding, be postponed until the 36th Legislative day at 2 o'clock P. M.

POINT OF ORDER

Mr. Turner raised the Point of Order that Mr. deGraffenried's motion to postpone to time certain was out of order.

The Chair overruled the Point of Order raised by Mr. Turner.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 74. To amend Section 415 of Title 48 of the Code of Alabama, 1940.

Also:

S. 104. To create a lien in favor of the owner, keeper or proprietor of premises kept for grazing, feeding, boarding, training, or confining birds or animals for another; and to provide for the enforcement of such lien.

Also:

S. 402. For the relief of Henry Phillips.

Also:

S. 278. For the relief of Donald M. Ward; to make an appropriation to reimburse Donald M. Ward for sums expended for medical care and treatment on account of, and to compensate for personal injuries suffered by him while acting within the line and scope of his employment with the State Highway Department.

Also:

S. 331. To provide for designating State Highway 143 as "Confederate Road."

Also:

S. 219. Relating to motor vehicles; to provide for the use of only one license tag or plate; amending Code of Alabama 1940, Title 36, Section 75, and Title 51, Section 705.

Also:

S. 75. To provide that any person failing to relinquish a telephone party line, to another, in cases of emergency, shall be guilty of a misdemeanor; to provide that any person who states that said telephone line is needed for an emergency, knowing said statement is false, shall be guilty of a misdemeanor; and to provide that said provisions be printed in every telephone directory distributed in this State.

Also:

S. 218. To provide for the relief of Marengo Concrete Products Co., Inc., making an appropriation of highway department funds for that purpose.

Also:

S. 217. To appropriate public funds for the relief of Sheffield Truck & Tractor, Incorporated.

Also:

S. 188. To provide the Board of Trustees of the University of Alabama with additional powers and authority. To allow the Board of Trustees of the University of Alabama to acquire title to real and personal property to be used as a University of Alabama Museum. To allow the Board of Trustees of the University of Alabama to acquire title to certain land in Tuscaloosa and Hale Counties, Alabama for use as a University of Alabama Museum which shall include an Archeological Museum. Historical Shrine and Recreational Area, and to operate, develop, protect, expand and maintain same. To provide the Board of Trustees of the University of Alabama with the authority to acquire from the Alabama Museum of Natural History, Incorporated, or elsewhere any real or personal property for use in its Museum, Archeological Museum, Historical Shrine or Recreational Area. To provide the Board of Trustees of the University of Alabama with the power and authority to make reasonable rules and regulations in the operation, development, and protection of its Museum, Archeological Museum, Historical Shrine, and Recreational Area; to provide penalties for the violation of same, and to provide a depository for the fines and forfeitures resulting from such violations. To authorize the State Highway Department to construct, re-construct and maintain roads within and leading to its Archeological Museum, Historical Shrine and Recreational Area. To allow the Board of Trustees of the University of Alabama to acquire from the State Geological Survey, the Alabama Museum of Natural History, Incorporated, or elsewhere by gift or otherwise any personal property for use in its Museum, Archeological Museum, Historical Shrine, or Recreational Area. To create a University of Alabama Museum Fund. To provide what monies shall be deposited in such fund. To provide for an annual appropriation to such fund and to provide for the withdrawal and expenditure of monies from such fund. To provide an effective date for this act.

Also:

S. 560. Relating to school financing; providing for the permissive use by any county or city board of education of county sales and use taxes heretofore earmarked by local laws exclusively for capital outlay, construction and maintenance of public schools for general educational purposes, including payment of teachers salaries, other current

school expenses, and costs of school transportation, when approved at a referendum election held for such purposes; repealing conflicting laws.

Also:

S. 286. To provide for the reimbursement to Mobile County of certain sums erroneously paid by the tax collector of such county into the state treasury instead of the treasury of Mobile County; and to make an appropriation for this purpose.

Also:

S. 440. To amend Section 366 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Also:

S. 599. To amend Section 12 of Act No. 533, page 750, Acts of Alabama 1957, Regular Session, relating to the State Board of Registration for Foresters; amending and changing the requirements for registration.

OAKLEY MELTON, JR.,

Clerk

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 233. To repeal Act No. 498, S. 616, approved August 30, 1949, entitled "An Act To provide for the name and number of members of the governing body of all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census; to provide for the designation of the members of the governing bodies of all such cities; to provide that in all primary and general elections for nomination or election of members of the governing body in such cities, each such position to be filled shall be designated separately and shall appear separately on all ballots in such elections; to provide that each candidate for nomination or election in such election shall designate the position to which he is seeking nomination or election; to provide the manner in which the names of candidates shall appear on ballots in such elections; and to repeal all laws or parts of laws, general, local or special, in conflict with the provisions hereof." (Acts of Alabama 1949, p. 723).

Also:

S. 234. To amend further Act No. 379, H. 786, approved July 9, 1935 (Acts of Alabama Regular Session 1943 and Special Session 1942, p. 349), an act to establish a Policemen and Firemen's Retirement Fund in certain cities classified on a population basis; to provide for such fund, its sources, management, and administration; to provide for a

Board of Trustees and Secretary-Treasurer thereof for such fund; to provide for the retirement and reinstatement of active or retired members of such departments and payment of benefits provided for hereunder; to provide for payment of benefits to widows and orphans, and widowed mothers of such members, and to provide for appeals from rulings of the Board of Trustees.

Also:

S. 235. To amend the title and Section 1 of Act No. 501, S. 619, approved August 30, 1949, providing that the employees of any water works board or other board, public corporation or commission created or appointed by the governing bodies of certain cities classified on a population basis shall be covered by the terms of any city retirement system in effect at the time of creation of such board, commission or corporation (Acts of Alabama 1949, p. 726).

Also:

S. 236. To amend further Act No. 671, H. 921, approved September 4, 1951 (Acts of Alabama 1951, vol. II, p. 1158), creating and establishing a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees in such cities.

Also:

S. 294. Proposing an amendment to the Constitution of Alabama relative to the levying of a special tax on property for educational purposes in school district number one, Randolph County.

Also:

S. 315. To repeal Act No. 224, H. 585, approved July 23, 1953, entitled, "An Act to regulate the payment of compensation of fire wardens in counties having a population of not less than 19,000 nor more than 20,000 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama 1953, vol. I, p. 291).

Also:

S. 317. To repeal Act No. 58, H. 276, approved June 18, 1959, an act relating to the compensation of members of the county board of education in certain counties classified on a population basis (Acts of Alabama 1959, vol. I, p. 463).

Also:

S. 318. To repeal Act No. 128, H. 490, approved July 8, 1955, an act relating to the disbursement of certain gasoline tax moneys received from the State for the establishment and maintenance of county roads and bridges in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 377).

Also:

S. 319. To repeal Act No. 53, H. 259, approved June 17, 1957, entitled, "An Act to apply in but only in counties having a population of not less than 19,200 inhabitants, nor more than 20,200, according to the last or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties, by whatever name called or designated, to fix the compensation of deputies sheriff," (Acts of Alabama 1957, vol. I, p. 96).

Also:

S. 320. To repeal Act No. 415, H. 773, approved August 27, 1953 (Acts of 1953, vol. I, p. 516), which provides for the compensation of members of the jury commission in counties having a population of not less than 18,000 nor more than 20,250 inhabitants according to the 1950 or any subsequent decennial census.

Also:

S. 321. To repeal Act No. 242, H. 639, approved September 30, 1959, entitled "An Act regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census," (Acts of Alabama 1959, vol. I, p. 803).

Also:

S. 322. To regulate the compensation of members of the county board of education in counties having a population of not less than 18,800 nor more than 19,500 inhabitants according to the last or any subsequent federal decennial census.

Also:

S. 336. Relating to powers of county governing bodies of counties having populations of not less than 62,000 nor more than 92,000, according to the 1960 or any subsequent federal decennial census; authorizing appropriations of county funds to provide ambulance service for the sick and infirm.

Also:

S. 396. To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 150,000, and not exceeding 300,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken.

Also:

S. 397. To repeal Act No. 396, S. 550, approved August 16, 1949, entitled "To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest

Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken." (Acts of Alabama 1949, page 567).

Also:

S. 448. Relating to the powers of the Board of Revenue of Lowndes County; authorizing the board to appoint its clerk and fix his compensation; repealing Section 5 of an act approved December 17, 1894, as amended, which provides that the clerk of the circuit court of the county shall be ex officio clerk of the Board of Revenue.

Also:

S. 449. To amend Act No. 681, H. 1076, Regular Session 1957, an act relating to the compensation of members of the court of county commissioners, board of revenue or other like governing body of Lowndes County (Acts of Alabama 1957, vol. II, p. 1029).

Also:

S. 450. To repeal Act No. 161, S. 25, Regular Session 1959, entitled "An Act relating to the public schools of Lowndes County; authorizing the county board of education to impose and provide for the collection of tuition charges or fees for the attendance of pupils at such schools" (Acts of Alabama 1959, vol. 1, p. 686).

Also:

S. 374. To repeal Act No. 456, H. 836, approved July 6, 1943, entitled "To require all county officers on a salary basis in counties having a population of one hundred and forty thousand (140,000), or more according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties." (Acts of Alabama 1943, page 418).

OAKLEY MELTON, JR.,

Clerk.

REPORTS OF COMMITTEES RESUMED

Mr. Robison, Chairman of the Standing Committee on Finance and Taxation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Sessions:

H. 191. To amend Section 613 of Title 51, Code of Alabama 1940.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DENNIS PORTER,

Chairman.

COMMITTEE REPORT

On motion of Mr. Porter, the foregoing report was concurred in and the Journal of the Senate for the Thirty-fifth Legislative Day was approved by the Senate.

ADJOURNMENT

The hour of twelve o'clock Midnight having arrived, the President and Presiding Officer of the Senate declared the Senate adjourned, pending further consideration of S. B. 400, and Rules Committee Report relative to H. B. 244, in accordance with motion heretofore adopted by the Senate, to meet again Friday, September 1st, 1961 at 12:01 A.M.

THIRTY-SIXTH LEGISLATIVE DAY

FRIDAY, SEPTEMBER 1, 1961

The Senate met pursuant to adjournment, Lieutenant Governor Boutwell presiding.

PRAYER

The Session was opened with prayer by Honorable Aubrey D. Green, Senator, from the Fourteenth Senatorial District.

ROLL CALL

Present:

Messrs.:	deGraffenried	Green	Rutledge	
Andrews	Dumas	Haltom	Samford	
Archer	Eddins	Hines	Shelton	
Barnett	Farmer	Jones	Turner	
Berryman	Gaither	Kendall	Webb	
Caffey	Givhan	Leonard	Wilson	
Clark	Godfrey	Moses	Word	
Cooper	Golson	Porter	Wyatt	
Crawford	Graham	Robison		—34

JOURNAL

On motion of Mr. Turner, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

UNFINISHED BUSINESS

REPORT FROM RULES

The Senate proceeded to further consideration of the Unfinished Business of yesterday, the first of which was The Report from the Standing Committee on Rules relative to H. B. 244.

The question was on the substitute motion by Mr. deGraffenried that further consideration of the motion by Mr. Turner, be postponed to the 36th Legislative Day at 2 o'clock P.M.

BILLS ON THIRD READING

The Bill:

H. 303. For the relief of L. B. Kilpatrick, contractor; To make an appropriation of State Highway Department funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County; and Coffee County S-886, S-887, S-888, S-889.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Crawford	Haltom	Rutledge	
Andrews	deGraffenried	Hines	Samford	
Archer	Farmer	Jones	Turner	
Barnett	Givhan	Kendall	Webb	
Clark	Godfrey	Robison	Wyatt	
Cooper	Golson			—21

Nays: —0

The Bill:

H. 82. To amend Sections 364 and 365 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Barnett	Cooper	Green
Andrews	Berryman	deGraffenried	Haltom
Archer	Clark	Givhan	Hines

Jones	Moses	Robison	Shelton	
Kendall	Porter	Samford	Webb	
				—19

Nays: —0

The Bill:

H. 669. To provide for assessment and collection of ad valorem taxes on motor vehicles; amending further Code of Alabama, 1940, Title 51, Section 704.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	deGraffenried	Jones	Robison	
Archer	Godfrey	Kendall	Samford	
Barnett	Green	Leonard	Shelton	
Caffey	Haltom	Moses	Turner	
Clark	Hines	Porter	Webb	
Cooper				—20

Nays: —0

The Bill:

H. 350. For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	deGraffenried	Hines	Rutledge	
Andrews	Farmer	Jones	Samford	
Barnett	Givhan	Leonard	Shelton	
Caffey	Godfrey	Moses	Turner	
Clark	Green	Porter	Webb	
Cooper	Haltom	Robison		—22

Nays: —0

The Bill:

H. 138. To authorize the formation of unincorporated associations for the purpose of rendering professional service; to prescribe the manner of organization of such association; to require recording of articles of association in the office of the probate judge; to restrict the professional services to be rendered by the association to the specific kind of pro-

fesssion for which the association is formed; to limit membership in or shareholders of the association to persons qualified and licensed to practice such profession; to require that professional services furnished by the association be rendered only through agents duly licensed to practice such profession; to authorize associations to employ non-professional personnel for non-professional duties; to provide that present provisions of laws shall govern with respect to professional liability of members furnishing professional service; to preserve confidential relationships and to limit liability of members or shareholders; to provide for centralized management by a board of governors who may or may not be members or shareholders and for election of officers; to provide that a professional association shall be a separate entity independent of its members or shareholders and may contract, hold title to real and personal property, invest its funds in real estate, mortgages, stocks and bonds, sue and be sued as an independent entity; to provide for valuation of shares, and transfer of membership or shares; to provide that professional associations may issue stock or certificates as evidence of ownership of assets in a stock-type organization, or that the association may be a non-stock organization; to provide for filing of annual reports with the Secretary of State; to authorize the Attorney General to dissolve an association violating certain provisions of this act; to provide that Article 8, Chapter 4, Title 7, Code of Alabama 1940, and laws relating to corporations generally, not in conflict herewith, shall govern professional associations; and to repeal conflicting laws.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	deGraffenried	Haltom	Robison
Archer	Dumas	Hines	Rutledge
Barnett	Farmer	Jones	Samford
Berryman	Givhan	Leonard	Shelton
Caffey	Godfrey	Moses	Turner
Clark	Green	Porter	Webb

—23

Nays: —0

The Bill:

H. 376. For the relief of Martin McCrory.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Farmer	Hines	Robison
Archer	Givhan	Jones	Rutledge
Barnett	Godfrey	Leonard	Samford
Caffey	Green	Moses	Shelton
Clark	Haltom	Porter	Webb
deGraffenried			

—20

Nays: —0

The Bill:

H. 694. To amend Section 344 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the sale of bonds by a municipality with respect to an undertaking that is leased or is to be leased by the municipality to an agency or department of the State of Alabama.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Jones	Robison
Archer	Givhan	Kendall	Rutledge
Barnett	Green	Leonard	Samford
Caffey	Haltom	Moses	Shelton
Cooper	Hines	Porter	Webb

—19

Nays: —0

The Bill:

H. 91. To appropriate out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000) to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, to be used only for the purchase of lands for the development and restoration of the Fort Toulouse Site in Elmore County, Alabama, and to provide for the lease, sale, swap, exchange, transfer or other disposition of such lands to the United States Government without consideration if the United States Government will recognize said property as a historic site or national monument and will assume the management, control and operation of the Site after so recognizing same as a historic site or national monument.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Cooper	Haltom	Porter
Andrews	deGraffenried	Hines	Robison
Archer	Farmer	Jones	Rutledge
Barnett	Givhan	Kendall	Samford
Berryman	Godfrey	Moses	Shelton
Clark	Green		Webb

—22

Nays: —0

The Bill:

H. 423. To authorize the Department of Agriculture and Industries to establish and conduct a swine disease diagnostic laboratory.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Clark	Haltom	Porter	
Andrews	Cooper	Hines	Robison	
Archer	deGraffenried	Jones	Rutledge	
Barnett	Dumas	Kendall	Samford	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses		—22

Nays: —0

The Bill:

H. 718. To make appropriations from the state treasury for support and maintenance of The Marion Institute, located in Perry County.

Was read a third time at length and passed.

Yeas 24; Nays 3.

Yeas:

Messrs.:	Cooper	Graham	Leonard	
Andrews	deGraffenried	Green	Moses	
Archer	Eddins	Haltom	Robison	
Barnett	Farmer	Hines	Rutledge	
Berryman	Givhan	Jones	Webb	
Caffey	Godfrey	Kendall	Wilson	
Clark				—24

Nays:

Messrs.:	Porter	Samford	Shelton	
				—3

The Bill:

H. 192. To Amend Section 13 of Title 33 of the Code of Alabama of 1940:

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Clark	Godfrey	Leonard	
Andrews	Cooper	Green	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Barnett	Dumas	Hines	Samford	
Berryman	Farmer	Jones	Shelton	
Caffey	Givhan	Kendall	Webb	
				—23

Nays: —0

The Bill:

H. 4. To provide the sum of $150,000, in addition to all other sums heretofore provided, for the payment of awards by the Board of Adjustment made during the fiscal year ending September 30, 1961.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Crawford	Green	Moses
Archer	deGraffenried	Haltom	Robison
Barnett	Dumas	Hines	Rutledge
Berryman	Farmer	Jones	Samford
Caffey	Givhan	Kendall	Shelton
Clark	Godfrey	Leonard	Webb
Cooper			

—24

Nays: —0

The Bill:

H. 679. To make an appropriation for the relief of Dothan Lincoln-Mercury Company, Ltd.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Cooper	Haltom	Porter
Archer	Crawford	Hines	Robison
Barnett	deGraffenried	Jones	Rutledge
Berryman	Dumas	Kendall	Samford
Caffey	Farmer	Leonard	Shelton
Clark	Godfrey	Moses	Webb

—23

Nays: —0

The Bill:

H. 1305. To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public library facilities for lease to the respective municipalities in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal

year during which such rents are payable and during which such agreements are required to be performed; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a nonforeclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease; to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Crawford	Green	Porter
Archer	deGraffenried	Haltom	Robison
Barnett	Dumas	Hines	Rutledge
Caffey	Eddins	Jones	Samford
Clark	Farmer	Kendall	Shelton
Cooper	Givhan	Moses	Webb

—23

Nays: —0

The Bill:

H. 1195. To make appropriations to the Cahaba Historical Commission and provide for the use thereof.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Barnett	Caffey	Cooper
Archer	Berryman	Clark	Crawford

deGraffenried	Haltom	Leonard	Samford	
Dumas	Hines	Moses	Webb	
Givhan	Jones	Robison	Wilson	
Godfrey	Kendall	Rutledge	Wyatt	
Green				—24

Nays: —0

The Bill:

H. 196. To amend sections 1 & 13 of an act approved September 30, 1947, entitled "An Act Relating to and regulating contracts for public works; and to repeal Chapter 1, Title 50, of the Code of Alabama, 1940, Sections 1 to 15, inclusive" (Act No. 492, H. 778, General Acts of 1947, p. 338), so as to re-define the term "public improvement"; to provide that the advertising requirements of said act shall apply only to contracts involving an amount in excess of five hundred dollars ($500.00); to provide that all contracts entered into in violation of said act shall be null, void and violative of public policy.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Porter	
Barnett	Dumas	Hines	Robison	
Berryman	Eddins	Jones	Rutledge	
Caffey	Farmer	Kendall	Samford	
Clark	Givhan	Moses	Webb	
Crawford	Graham			—21

Nays: —0

The Bill:

H. 1113. To authorize and provide for the establishment, maintenance, and operation of a junior college to be located in Franklin, Marion, or Winston County; to create a board of trustees to govern such college; to authorize the board of trustees to select the location for such college, name it, appoint a president and certain other officers therefor, and prescribe rules and regulations to govern the college; to constitute the college a body corporate upon compliance with certain conditions; to authorize the board of trustees to accept gifts, donations, devises, and bequests; and to buy, hold, sell or otherwise dispose of real and personal property for and in the name of the college; to authorize the governing bodies of Franklin, Marion, and Winston Counties and of each incorporated municipality in any of such counties to make appropriations of public funds in aid of the college; to authorize the board of education of each of these counties and the board of education of any incorporated municipality in these counties to use public school funds in aid of such college and to provide transportation and certain other facilities to students attending the college; to exempt from taxation the property of the college; to exempt officers and employees of the college from certain civil duties and from certain municipal privilege licenses; and to make an appropriation from the special educational trust fund for the purpose of effectuating this Act.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Robison	
Archer	Farmer	Haltom	Rutledge	
Barnett	Givhan	Hines	Samford	
Berryman	Godfrey	Jones	Shelton	
Caffey	Golson	Leonard	Webb	
Cooper	Graham	Porter	Wilson	
deGraffenried				—24

Nays: —0

The Bill:

H. 19. To make an appropriation for the support and maintenance of the Walker County Junior College, located at Jasper, in Walker County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Green	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Barnett	Dumas	Jones	Samford	
Berryman	Farmer	Kendall	Shelton	
Caffey	Godfrey	Leonard	Webb	
Clark	Golson	Porter	Wilson	
Cooper				—24

Nays: —0

The Bill:

H. 713. To further amend Section 99, Title 21, Code of Alabama of 1940.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Godfrey	Moses	
Andrews	Crawford	Green	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Barnett	Dumas	Jones	Samford	
Berryman	Farmer	Kendall	Shelton	
Caffey	Givhan	Leonard	Webb	
Clark				—24

Nays: —0

The Bill:

H. 714. To amend further Act No. 376, S. 280, Regular Session 1947 (Acts of Alabama 1947, page 267), an act authorizing and empowering certain governing bodies and agencies to contract for, obtain and maintain policies of group life, health, accident, and hospitalization insurance, and insured retirement plans for certain of its officers and employees in order to authorize and empower the board of directors of any county or municipal hospital to provide such insurance and retirement plans for its officers and agencies.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Porter	
Archer	Dumas	Hines	Robison	
Barnett	Farmer	Jones	Rutledge	
Berryman	Givhan	Kendall	Samford	
Clark	Godfrey	Leonard	Shelton	
Cooper	Golson	Moses	Webb	
Crawford	Green			—25

Nays: —0

The Bill:

H. 323. To amend Code of Alabama 1940, Title 48, Section 5, to provide that congressional redistricting shall not serve to disqualify public service commissioners even though two or more commissioners may be residents of the same congressional district.

Was read a third time at length and passed.

Yeas 22; Nay 1.

Yeas:

Messrs:	Crawford	Green	Moses	
Andrews	deGraffenried	Haltom	Porter	
Archer	Dumas	Hines	Robison	
Barnett	Farmer	Jones	Rutledge	
Berryman	Givhan	Kendall	Webb	
Cooper	Godfrey	Leonard		—22

Nay: Mr. Samford —1

The Bill:

H. 180. To amend Sections 3 and 4 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Hines	Robison
Barnett	Farmer	Jones	Rutledge
Berryman	Givhan	Kendall	Samford
Caffey	Godfrey	Leonard	Shelton
Cooper	Green	Moses	Webb
Crawford	Haltom	Porter	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 92. To provide for the issuance and use of distinctive flags or distress signals by handicapped or paraplegic drivers of motor vehicles.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Crawford	Green	Porter
Archer	deGraffenried	Haltom	Robison
Barnett	Dumas	Jones	Samford
Berryman	Farmer	Kendall	Shelton
Caffey	Givhan	Leonard	Webb
Clark	Godfrey	Moses	Wyatt

—23

Nays: —0

The Bill:

H. 370. To amend Code of Alabama 1940, Title 51, Section 568, in relation to the privilege license payable by itinerant vendors or peddlers.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	Crawford	Green	Porter
Archer	deGraffenried	Haltom	Robison
Barnett	Dumas	Hines	Samford
Berryman	Farmer	Kendall	Webb
Caffey	Givhan	Leonard	Wyatt
Clark	Godfrey	Moses	

—22

Nays: —0

The Bill:

H. 83. To further amend Act No. 288, approved July 7, 1945 (General Acts of Alabama, 1945, page 478), entitled "An Act To Provide Judicial Officers of the State; to designate them as Supernumerary Circuit Judges; to provide the conditions under which a Judge of the Circuit Court may become a Supernumerary Circuit Judge; to prescribe the qualifications, tenure of office, duties, powers, authority, compensation, and the method of removal from office of such Supernumerary Circuit Judges, and to appropriate funds for the payment of such compensation."

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	deGraffenried	Green	Porter
Berryman	Dumas	Haltom	Robison
Caffey	Farmer	Hines	Samford
Clark	Givhan	Kendall	Shelton
Cooper	Godfrey	Leonard	Webb
Crawford	Golson	Moses	Wyatt

—23

Nays: —0

The Bill:

H. 1431. To make an appropriation of highway department funds for relief of Mrs. Clyde McLean Wilson, of Clarke County.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Cooper	Green	Moses
Archer	Crawford	Haltom	Porter
Barnett	deGraffenried	Hines	Robison
Berryman	Dumas	Jones	Samford
Caffey	Farmer	Kendall	Webb
Clark	Givhan	Leonard	Wyatt

—23

Nays: —0

The Bill:

H. 15. To appropriate out of any funds in the State Treasury to the credit of the Alabama State Bar Association, the sum of $70,000 for the purpose of erecting and constructing a building for the Alabama State Bar Association.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Andrews	Crawford	Hines	Robison	
Archer	deGraffenried	Jones	Rutledge	
Barnett	Dumas	Kendall	Samford	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses	Wyatt	
Clark	Green			—25

Nays: —0

The Bill:

H. 24. To authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Authority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding $4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Was read a third time at length and passed.

Yeas 21; Nays 2.

Yeas:

Messrs:	Barnett	Caffey	Cooper
Archer	Berryman	Clark	Crawford

deGraffenried	Green	Leonard	Robison	
Farmer	Hines	Moses	Webb	
Givhan	Jones	Porter	Wyatt	
Golson	Kendall			—21

Nays:

Messrs:	Dumas	Samford	—2

The Bill:

H. 677. To amend Section 186 of Title 13 of The Code of Alabama of 1940 to increase pay of bailiffs.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	Crawford	Hines	Robison	
Archer	Dumas	Jones	Rutledge	
Berryman	Farmer	Kendall	Samford	
Caffey	Givhan	Leonard	Webb	
Clark	Green	Moses	Wyatt	
Cooper	Haltom	Porter		—22

Nays: —0

The Bill:

H. 21. To make an appropriation for the support and maintenance of the Alabama Vocation School for Girls.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Robison	
Archer	Dumas	Hines	Rutledge	
Berryman	Farmer	Jones	Samford	
Caffey	Givhan	Kendall	Webb	
Clark	Graham	Leonard	Wilson	
Cooper	Green	Moses	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 20. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Robison	
Archer	Farmer	Hines	Rutledge	
Berryman	Givhan	Kendall	Samford	
Caffey	Golson	Leonard	Webb	
Cooper	Graham	Moses	Wilson	
Crawford	Green	Porter	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 298. To provide supernumerary circuit court reporters for the State of Alabama; prescribing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and making an appropriation to pay their salaries:

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs:	Cooper	Hines	Robison	
Archer	Crawford	Kendall	Rutledge	
Barnett	deGraffenried	Leonard	Samford	
Berryman	Dumas	Moses	Webb	
Caffey	Farmer	Porter	Wyatt	
Clark	Haltom			—21

Nays: —0

The Bill:

H. 719. To authorize the president, the first vice-president and the secretary of the Alabama State Bar to organize and incorporate a public corporation for the purpose of acquiring, providing and constructing a building or buildings for the Alabama State Bar; to specify that the name of such public corporation shall be Alabama State Bar Foundation or other similar name; to specify the procedure by which such public corporation shall be organized; to authorize the Secretary of State to issue a certificate of incorporation when such procedure has been accomplished; to provide for the Board of Trustees and officers of such corporation; to grant to such public corporation all necessary and desirable powers, including the power to lease and make available to the Alabama State Bar all or any part of the space in any of its buildings, with or without the payment of rental; to exempt such corporation, and documents to which it is a party, from all taxation in the State of Alabama; to authorize the conveyance by the State of Alabama to such corporation of a parcel of land adjacent to the Judicial Building in the City and County of Montgomery, Alabama, without the payment of any pecuniary consideration but upon the undertaking by such corporation to construct thereon a building for the state bar uses described in the act; to provide that if said land ever ceases being used for any of the

purposes described in the act, title thereto shall revert to the state; to authorize the Board of Commissioners of the Alabama State Bar to disburse and pay to such corporation, for the construction and erection of such building or buildings, all or any part of the moneys appropriated to the Alabama State Bar; and to provide that such corporation shall be a non-profit public corporation.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Andrews	Crawford	Hines	Robison	
Archer	deGraffenried	Jones	Rutledge	
Barnett	Dumas	Kendall	Samford	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses	Wyatt	
Clark	Green			—25

Nays: —0

The Bill:

H. 1225. To authorize and permit teachers, who have retired under the terms of the Teacher Retirement Act of Alabama, when they are physically and mentally able to do so, in the opinion of the employing authority, to perform duties as substitute teachers or part time teachers, and to earn not more than twelve hundred dollars per year, as such substitute or part time teacher, without affecting their status under the Retired Teacher's Act of Alabama.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 1225

A BILL

TO BE ENTITLED

AN ACT

To authorize and permit teachers, who have retired under the terms of the Teacher Retirement Act of Alabama, when they are physically and mentally able to do so, in the opinion of the employing authority, to perform duties as substitute teachers in the public elementary and high schools, and to earn not more than twelve hundred dollars per year, as such substitute teacher, without affecting their status under the Retired Teacher's Act of Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. It is hereby declared to be lawful and permissible for any retired teacher, who has retired under the Teacher Retirement Act of

Alabama, to perform duties as a substitute teacher in the public elementary and high schools, so long as such retired teacher is physically and mentally able to do so, in the opinion of the employing authority, and earn not more than twelve hundred dollars per year, as such substitute teacher.

Section 2. Such retired teacher shall continue to receive all retirement benefits that such teacher would receive if he or she were not serving as a substitute teacher in the public elementary and high schools.

Section 3. All laws and parts of laws in conflict with this Act, in so far as the same conflicts with this Act are hereby expressly repealed.

Section 4. This Act shall become effective immediately after its passage and approval by the Governor, or its otherwise becoming a law.

Which was adopted.

Yeas 21; Nays 0.

Yeas:

Messrs:	Cooper	Hines	Robison	
Andrews	Crawford	Jones	Samford	
Archer	deGraffenried	Leonard	Shelton	
Barnett	Givhan	Moses	Turner	
Berryman	Green	Porter	Webb	
Clark	Haltom			—21

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Archer	deGraffenried	Hines	Robison	
Barnett	Givhan	Jones	Samford	
Berryman	Godfrey	Leonard	Shelton	
Clark	Green	Moses	Turner	
				—19

Nays: —0

The Bill:

H. 486. To define further the term taxable sales as used in sales and use tax laws, providing that parts taken from stock to make repairs covered by warranty shall not be subject to sales and use taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL 486

Amend House Bill 486 as follows:

At the end of Section 1 add an additional section numbered "Section 2" and reading as follows:

"Section 2. It is hereby determined that it was not the legislative intent in the enactment of Act No. 100, General Acts of Alabama, Second Special Session of 1959, effective October 11, 1959, to impose any tax on the transactions described in Section 1 hereof."

Renumber Sections 2 and 3 respectively as Sections 3 and 4.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Robison	
Archer	Dumas	Hines	Rutledge	
Barnett	Farmer	Jones	Samford	
Berryman	Givhan	Leonard	Shelton	
Caffey	Godfrey	Moses	Turner	
Clark	Green	Porter	Webb	
				—23

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	deGraffenried	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Givhan	Leonard	Shelton	
Caffey	Godfrey	Moses	Turner	
Clark	Green	Porter	Webb	
Cooper	Haltom	Robison		—22

Nays: —0

The Bill:

H. 88. To exclude certain municipal privilege licenses from gross sales, or gross receipts, in the computation of State Sales Taxes, Art. 10, Chapter 20, Title 51, Code of Alabama, 1940.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE TO H. B. 88

A BILL

TO BE ENTITLED

AN ACT

To exclude certain municipal privilege licenses from gross sales, or gross receipts, in the computation of State Sales Taxes (Act No. 100, H. 94, approved August 18, 1959, Acts 1959, vol. 1, p. 298).

Be It Enacted by the Legislature of Alabama:

Section 1. Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate, not exceeding one percent, of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer, shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of the Sales Tax levied by this State, under the provisions of Act No. 100, H. 94, approved August 18, 1959 (Acts 1959, vol. 1, p. 298), as amended.

Section 2. All laws or parts of laws which conflict with this Act are repealed.

Section 3. This Act shall become effective upon its approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs:	Clark	Green	Porter	
Andrews	Crawford	Haltom	Robison	
Archer	deGraffenried	Hines	Rutledge	
Barnett	Dumas	Jones	Samford	
Berryman	Farmer	Kendall	Shelton	
Caffey	Givhan	Leonard	Webb	
				—23

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Crawford	Haltom	Porter	
Archer	deGraffenried	Hines	Robison	
Barnett	Dumas	Jones	Rutledge	
Berryman	Farmer	Kendall	Samford	
Caffey	Givhan	Leonard	Shelton	
Clark	Godfrey	Moses	Webb	
Cooper	Green			—25

Nays: —0

The Bill:

H. 17. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and the Teachers' Retirement System.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 17

A BILL

TO BE ENTITLED

AN ACT

To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Be It Enacted by the Legislature of Alabama:

Section 1. That for the purpose of this Act, the following classifications, definitions and restrictions shall be applicable: (a) "salary" and "other salaries", wherever appearing herein, shall mean the wages or other compensation for skill, work or employment for anyone performing services for the State of Alabama as an employee, officer or official, and shall be expended only for such purposes; (b) "other expenses" shall mean the operating costs of agencies, departments, boards, bureaus and institutions of the State, other than salaries and equipment purchases and shall be expended only for operating costs incident to the normal operations of such agencies, departments, boards, bureaus and institutions, including supplies and materials, postage, telephone, telegraph, express, travel expense, motor vehicle operations, lights, water, power, insurance and bonding, printing and binding, repairs, rental and items of general expense not defined as "equipment purchases", and the

money appropriated therefor shall be expended only for such purposes; (c) "equipment purchases" shall mean those items of office equipment, motor vehicle equipment and other equipment which have an appreciable and calculable period of usefulness in excess of one year, and the money appropriated therefor shall be expended only for such purposes, and the total amounts herein appropriated therefor shall not be increased by the expenditure of any revenue derived from the sale, trade-in or exchange of any items of personal property.

Section 2. The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund and are hereby made for the support of public education in Alabama for each of the two fiscal years ending September 30, 1962 and September 30, 1963, respectively; and, except as may be otherwise expressly provided, the appropriations herein made in Section 3 to 15, inclusive shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940) and shall be in the amounts specified in said sections.

Section 3. DEPARTMENT OF EDUCATION:

A. For the Department of Education:

For the fiscal year ending September 30, 1962:

For the salary of the State Superintendent	$ 10,000.00	
For other salaries	275,000.00	
For other expenses	99,364.00	
For rental expense	68,136.00	
For equipment purchases	1,686.00	
For transfer to State Personnel Department	6,527.00	
Total		$ 460,713.00

For the fiscal year ending September 30, 1963:

For the salary of the State Superintendent	10,000.00	
For other salaries	285,000.00	
For other expenses	99,364.00	
For rental expense	68,136.00	
For equipment purchases	1,806.00	
For transfer to State Personnel Department	6,527.00	
Total		470,833.00

B. To the Department of Education for Plans and Surveys:

For the fiscal year ending September 30, 1962:

For salaries	17,062.00	
For other expenses	2,809.00	
Total		19,871.00

For the fiscal year ending September 30, 1963:		
For salaries	18,289.00	
For other expenses	3,011.00	
Total		21,300.00
C. National Defense Education Program:		
For the fiscal year ending September 30, 1962		100,000.00
For the fiscal year ending September 30, 1963		80,000.00
(The above appropriation to be expended for Title III and Title V Programs exclusively.)		
Section 4. STATE BOARD OF EDUCATION:		
A. Agricultural and Mechanical Institute at Normal, Alabama:		
For the fiscal year ending September 30, 1962:		
For the operation and maintenance of the Institute		905,311.00
For the fiscal year ending September 30, 1963:		
For the operation and maintenance of the Institute		1,039,902.00
B. Alabama State College for Negroes:		
For the fiscal year ending September 30, 1962:		
For the operation and maintenance of the College		1,009,830.00
For the fiscal year ending September 30, 1963:		
For the operation and maintenance of the College		1,082,313.00
C. Civilian Rehabilitation:		
For the fiscal year ending September 30, 1962:		
For the rehabilitation of handicapped individuals		675,164.00
For the fiscal year ending September 30, 1963:		
For the rehabilitation of handicapped individuals		723,621.00
(No administrative costs included herein).		

D. Free Textbooks:

For the fiscal year ending September 30, 1962:

For salaries	16,738.00	
For other expenses	12,006.00	
For purchase of free textbooks	425,000.00	
Total		453,744.00

For the fiscal year ending September 30, 1963:

For salaries	17,940.00	
For other expenses	12,869.00	
For purchase of free textbooks	425,000.00	
Total		455,809.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools.

E. Minimum Program Fund:

In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education for the fiscal year ending September 30, 1962, the sum of $95,521,538.00 and for the fiscal year ending September 30, 1963, the sum of $102,385,959.00 to be known as the Minimum Program Fund, which, in accordance with the statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for

public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

F. Physical Restoration of Crippled Children:

For the fiscal year ending September 30, 1962:

Handicapped Individuals ---------- 585,391.00

For the fiscal year ending September 30, 1963:

Handicapped Individuals ---------- 627,405.00

G. Regional Education:

For the fiscal year ending September 30, 1962 ---------- 75,177.00

For the fiscal year ending September 30, 1963 ---------- 80,572.00

H. Student Aid in Graduate and Professional Fields:

For the fiscal year ending September 30, 1962 ---------- 85,275.00

For the fiscal year ending September 30, 1963 ---------- 91,395.00

I. The State Colleges:

(a) Florence State College,

For the fiscal year ending September 30, 1962 ---------- 89,427.00

For the fiscal year ending September 30, 1963 ---------- 95,500.00

(b) Jacksonville State College,

For the fiscal year ending September 30, 1962 ---------- 89,427.00

For the fiscal year ending September 30, 1963 ---------- 95,500.00

(c) Livingston State College,

For the fiscal year ending September 30, 1962 ---------- 82,872.00

For the fiscal year ending September 30, 1963 ---------- 88,500.00

(d) Troy State College,

For the fiscal year ending September 30,

1962		82,872.00
For the fiscal year ending September 30, 1963		88,500.00
J. Teacher Training Equalization Fund:		
For the teachers training program at State Colleges at Florence, Jacksonville, Livingston and Troy,		
For the fiscal year ending September 30, 1962		2,191,122.00
For the fiscal year ending September 30, 1963		2,348,379.00
K. Vocational Education:		
For the fiscal year ending September 30, 1962:		
For salaries	28,083.00	
For other expenses	19,665.00	
For equipment purchases	1,404.00	
Disbursements to Local Boards and Institutions	4,682,874.00	
For the operation and maintenance of the Alabama Institute of Aviation Technology at Ozark	90,000.00	
Total		4,822,026.00
For the fiscal year ending September 30, 1963:		
For salaries	30,099.00	
For other expenses	21,076.00	
For equipment purchases	1,505.00	
Disbursements to Local Boards and Institutions	5,021,835.00	
For the operation and maintenance of the Alabama Institute of Aviation Technology at Ozark	90,000.00	
Total		5,164,515.00
L. Vocational Trade Schools:		
For the fiscal year ending September 30, 1962:		
For operation and maintenance:		
(a) Alabama School of Trades	245,000.00	
(b) George C. Wallace at Napier	253,126.00	
(c) Huntsville (Negro)	50,000.00	
(d) J. P. Shelton at Tuscaloosa	201,120.00	
(e) Mobile (White)	204,754.00	
(f) Mobile (Negro)	63,000.00	

(g) Montgomery	150,000.00	
(h) Tennessee Valley at Decatur	341,962.00	
(i) Wenonah	180,658.00	
(j) State Vocational Technical School at Gadsden	25,000.00	
Total		1,714,620.00

For the fiscal year ending September 30, 1963:

For operation and maintenance:

(a) Alabama School of Trades	265,000.00	
(b) George C. Wallace at Napier	271,293.00	
(c) Huntsville (Negro)	50,000.00	
(d) J. P. Shelton at Tuscaloosa	215,555.00	
(e) Mobile (White)	219,449.00	
(f) Mobile (Negro)	119,420.00	
(g) Montgomery	200,000.00	
(h) Tennessee Valley at Decatur	366,504.00	
(i) Wenonah	193,624.00	
(j) State Vocational Technical School at Gadsden	25,000.00	
Total		1,925,845.00

Section 5. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the Alabama Boys' Industrial School ... 302,195.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the Alabama Boys' Industrial School ... 301,013.00

Section 6.

BOARD OF TRUSTEES OF ALABAMA COLLEGE:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the College ... 683,753.00

For purchase of Scientific Equipment to be matched by Federal Funds ... 25,000.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the College ... 732,826.00

Section 7.

ALABAMA EDUCATIONAL TELEVISION COMMISSION:

For the fiscal year ending September 30, 1962:		
For salaries	113,689.50	
For other expenses	132,181.50	
For equipment purchases	14,384.00	
For equipment purchases at Mobile Station	17,000.00	
For additions and betterments at Mobile Station	15,000.00	
For additions and betterments at Montgomery Station	25,000.00	
Total		317,255.00
For the fiscal year ending September 30, 1963:		
For salaries	121,134.50	
For other expenses	140,246.50	
For equipment purchases	15,417.00	
For equipment purchases at Mobile Station	17,000.00	
Total		293,798.00

Section 8.

BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:

For the fiscal year ending September 30, 1962:	
For operation and maintenance of the Alabama Industrial School for Negroes	234,277.00
For the fiscal year ending September 30, 1963:	
For operation and maintenance of the Alabama Industrial School for Negroes	230,916.00

Section 9.

BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:

For the fiscal year ending September 30, 1962:	
For operation and maintenance of the school	844,478.00
For salaries and expenses incident to instruction of Adult Blind	112,204.00
For the fiscal year ending September 30, 1963:	

For operation and maintenance of the school _____ 905,087.00
For salaries and expenses incident to instruction of Adult Blind _____ 120,257.00

Section 10.

BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

A. The College:

For the fiscal year ending September 30, 1962:

(1) For operation and maintenance _____ 4,524,384.00
(2) For operation and maintenance of Farm Machinery Building _____ 13,464.00
(3) Engineering Experiment Station _____ 94,251.00
(4) Television Education _____ 103,227.00
(5) For instruction in forestry and training for agricultural students _____ 50,985.00

For the fiscal year ending September 30, 1963:

(1) For operation and maintenance _____ 4,849,100.00
(2) For operation and maintenance of Farm Machinery Building _____ 14,430.00
(3) Engineering Experiment Station _____ 101,015.00
(4) Television Education _____ 110,636.00
(5) For instruction in forestry and training for agricultural students _____ 54,644.00

B. Extension Work for Agriculture and Home Economics:

For the fiscal year ending September 30, 1962:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services _____ 1,325,950.00

For the fiscal year ending September 30, 1963:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services _____ 1,421,113.00

The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agriculture Research:

For the fiscal year ending September 30, 1962:

(1)	Alabama Agricultural Experiment Station at Auburn, for work and experimentation	806,201.00
(2)	For Floriculture and ornamental horticulture study and research	23,410.00
(3)	Tennessee Valley Branch Station located at Bell Mina in Limestone County	23,410.00
(4)	Sand Mountain Branch Station located at Crossville in DeKalb County	23,410.00
(5)	Black Belt Branch Station located at Marion Junction in Dallas County	23,410.00
(6)	Wiregrass Branch Station located in Headland in Henry County	23,410.00
(7)	Gulf Coast Branch Station located at Fairhope in Baldwin County	23,410.00
(8)	Piedmont Experiment Branch Station	23,410.00
(9)	Upper Coastal Plains Branch Station	23,410.00
(10)	Lower Coastal Plains Branch Station	23,410.00
(11)	For the support of researches and experiment on experiment fields	36,052.00
(12)	Horticultural Branch Station in Chilton County	23,410.00
(13)	Horticultural Branch Station in North Alabama	23,410.00
(14)	Wiregrass Experiment Station at Headland, Alabama	12,642.00
	(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)	
(15)	Co-operative research at the Agricultural and Experimental Substations	84,277.00
(16)	Research in Forestry	56,185.00

For the fiscal year ending September 30, 1963:

(1)	Alabama Agricultural Experiment Station at Auburn, for work and experimentation	864,062.00
(2)	For floriculture and ornamental horticulture study and research	25,090.00
(3)	Tennessee Valley Branch Station located at Bell Mina in Limestone County	25,090.00
(4)	Sand Mountain Branch Station located at Crossville in DeKalb County	25,090.00
(5)	Black Belt Branch Station located at Marion Junction in Dallas County	25,090.00
(6)	Wiregrass Branch Station located at Headland in Henry County	25,090.00
(7)	Gulf Coast Branch Station located at Fairhope in Baldwin County	25,090.00
(8)	Piedmont Experiment Branch Station	25,090.00
(9)	Upper Coastal Plains Branch Station	25,090.00

(10)	Lower Coastal Plains Branch Station ___	25,090.00
(11)	For the support of researches and experiment on experiment fields _____	38,639.00
(12)	Horticultural Branch Station in Chilton County _____	25,090.00
(13)	Horticultural Branch Station in North Alabama _____	25,090.00
(14)	Wiregrass Experiment Station at Headland, Alabama _____	13,549.00

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)

(15)	Cooperative research at the Agricultural and Experimental Substations _____	90,326.00
(16)	Research in Forestry _____	60,218.00

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1962 and September 30, 1963.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Ala-

bama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

Section 11.

BOARD OF CONTROL OF THE
TEACHERS' RETIREMENT SYSTEM:

For the fiscal year ending September 30, 1962:

For the Teachers' Retirement System .. 4,806,000.00
For the Teachers' Special Pension Fund, estimated ---------- 1,400,000.00

For the fiscal year ending September 30, 1963:

For the Teachers' Retirement System .. 5,044,800.00
For the Teachers' Special Pension Fund, estimated ---------- 1,500,000.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund and Teachers' Special Fund.

Section 12.

BOARD OF TRUSTEES OF THE
STATE TRAINING SCHOOL FOR GIRLS:

For the fiscal year ending September 30, 1962:

For the operation and maintenance of the State Training School for Girls 166,154.00

For the fiscal year ending September 30, 1963:

For the operation and maintenance of the State Training School for Girls 172,002.00

Section 13.

BOARD OF TRUSTEES OF THE
UNIVERSITY OF ALABAMA:

A. The University:

For the fiscal year ending September 30, 1962:

(1) For operation and maintenance 4,938,894.00

(2) For School of Nursing	118,850.00
(3) For Tuberculosis Nursing (Education)	22,009.00
(4) For Research and Extension	264,112.00
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957	12,267.00
For the fiscal year ending September 30, 1963:	
(1) For operation and maintenance	5,293,358.00
(2) For School of Nursing	127,380.00
(3) For Tuberculosis Nursing (Education)	23,589.00
(4) For Research and Extension	283,067.00
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957	13,147.00

B. The University of Alabama Medical Center:

For the fiscal year ending September 30, 1962:	
(1) For the Medical College: For maintenance and operation	1,265,560.00
(2) For University Hospital: For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care	640,448.00
(3) For the School of Dentistry: For maintenance and operation	748,317.00
For the fiscal year ending September 30, 1963:	
(1) For the Medical College: For maintenance and operation	1,360,336.00
(2) For University Hospital: For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care	682,466.00
(3) For the School of Dentistry: For maintenance and operation	802,024.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 83, and Act No. 207, Section 9, 1945 Acts, page 325.

Section 14.

STATE TENURE COMMISSION:

For expense of operation	4,682.00

Section 15.

SYLACAUGA NURSES TRAINING SCHOOL:

For the operation and maintenance of the Nurses Training School at Sylacauga ---------- 37,456.00

Section 16.

In addition to the appropriations hereinabove made, if the Governor determines that there are sufficient funds available in the Alabama special Educational Trust Fund the following sums and amounts are hereby appropriated in accordance with and subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 3, Chapter 4, Title 55 of the Code of Alabama 1940)

Section 17. DEPARTMENT OF EDUCATION:

A. For the Department of Education

For other salaries	$ 17,646.00	
For other expenses	7,120.50	
For equipment purchases	94.50	
Total		24,861.00

B. For the Department of Education for Plans and Surveys:

For salaries	970.50	
For other expenses	159.00	
Total		1,129.50

C. National Defense Education Program:

For salaries, other expenses and equipment purchases ---------- 3,996.00

Section 18. STATE BOARD OF EDUCATION:

A. Agricultural and Mechanical Institute at Normal, Alabama:
For the operation and maintenance of the Institute ---------- 47,245.50

B. Alabama State College for Negroes:

For the operation and maintenance of the College ---------- 57,459.00

C. Civilian Rehabilitation:

For the rehabilitation of handicapped individuals ---------- 38,416.50
(No administrative costs included herein).

D. Free Textbooks:

For salaries	951.00
For other expenses	682.50

For purchase of free textbooks 42,820.50

Total 44,454.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools.

E. Minimum Program Fund:

In addition to all other funds appropriated for the public elementary and high schools of the State, there is hereby appropriated to the State Board of Education the sum of $5,440,230.00 to be known as the Minimum Program Fund, which in accordance with the Statutes and regulations of the State Board of Education relating to the expenditure of such fund, shall be used for providing a minimum term and for the equalization of educational opportunity in the public schools of the State; provided that so much thereof as may be necessary of the above appropriations for each year shall be used by the State Board of Education to provide for additional teacher units for each school system in the State which on the basis of current school attendance shall be entitled to additional teacher units over the number allowed based on the year immediately preceding said current year; provided further, that in no case shall a term of less than nine months in tax districts be approved, except that the State Board of Education, upon the recommendation of the State Superintendent of Education, shall be authorized to make full allotments of funds to any school system for the time actually taught, if in the judgment of the State Superintendent of Education and the State Board of Education unusual conditions beyond the control of the local Board of Education in any school are such as to prevent the operation of that school for the required nine months minimum term; provided further, that the amount herein appropriated for the Minimum Program Fund shall include all moneys earmarked for public school teachers' salaries as provided in the Income Tax Amendment ratified on the 26th day of August, 1947. The Minimum Program Fund shall also include any other appropriations of funds, either State or Federal, which may be designated by the Legislature as a part of the Minimum Program Fund.

F. Physical Restoration of Crippled Children:
For Handicapped Individuals 33,309.00

G. Regional Education 4,276.50

H. Student Aid in Graduate and Professional Fields 4,851.00

I. Teacher Training Equalization Fund:

For the teachers training program at

State Colleges at Florence, Jacksonville, Livingston and Troy		144,285.00
J. Vocational Education:		
For salaries	1,597.50	
For other expenses	1,117.50	
For equipment purchases	79.50	
Disbursements to Local Boards and Institutions	268,735.50	
Total		271,530.00
K. Vocational Trade Schools: For operation and maintenance:		
(a) Alabama School of Trades		13,404.00
(b) George C. Wallace at Napier		14,403.00
(c) J. P. Shelton at Tuscaloosa		11,437.50
(d) Mobile (White)		11,650.50
(e) Montgomery		11,379.00
(f) Tennessee Valley at Decatur		19,456.50
(g) Wenonah		10,279.50
Section 19. BOARD OF TRUSTEES OF ALABAMA BOYS' INDUSTRIAL SCHOOL:		
For the operation and maintenance of the Alabama Boys' Industrial School		14,919.00
Section 20. BOARD OF TRUSTEES OF ALABAMA COLLEGE:		
For the operation and maintenance of the College		38,905.50
Section 21. ALABAMA EDUCATIONAL TELEVISION COMMISSION:		
For salaries	5,902.50	
For other expenses	6,393.00	
For equipment purchases	817.50	
Total		13,113.00
Section 22. BOARD OF TRUSTEES OF ALABAMA INDUSTRIAL SCHOOL FOR NEGROES:		
For operation and maintenance of the Alabama Industrial School for Negroes		11,242.50
Section 23. BOARD OF TRUSTEES OF ALABAMA INSTITUTE FOR DEAF AND BLIND:		
For operation and maintenance of the school		48,051.00

For salaries and expenses incident to instruction of Adult Blind 6,384.00

Section 24.

BOARD OF TRUSTEES OF
AUBURN UNIVERSITY:

A. The College:

(1) For operation and maintenance 257,440.50
(2) For operation and maintenance of Farm Machinery Building 765.00
(3) Engineering Experiment Station 5,362.50
(4) Television Education 5,872.50
(5) For instruction in forestry and training for agricultural students 2,901.00

B. Extension Work for Agriculture and Home Economics:

For advising, demonstrating and informing people of Alabama in agricultural, farm and home pursuits, and other extension services 75,447.00

The appropriation herein made for the Extension Service shall be expended under the direction of the Board of Trustees of Auburn University through its Extension Service and shall be done in such manner as to make available the maximum amounts of aid from the Federal government.

C. Agricultural Research:

(1) Alabama Agricultural Experiment Station at Auburn, for work and experimentation 45,873.00
(2) For floriculture and ornamental horticulture study and research 1,332.00
(3) Tennessee Valley Branch Station located at Bell Mina in Limestone County ... 1,332.00
(4) Sand Mountain Branch Station located at Crossville in DeKalb County 1,332.00
(5) Black Belt Branch Station located at Marion Junction in Dallas County 1,332.00
(6) Wiregrass Branch Station located at Headland in Henry County 1,332.00
(7) Gulf Coast Branch Station located at Fairhope in Baldwin County 1,332.00
(8) Piedmont Experiment Branch Station ... 1,332.00
(9) Upper Coastal Plains Branch Station ... 1,332.00
(10) Lower Coastal Plains Branch Station ... 1,332.00
(11) For the support of researches and experiment on experiment fields 2,050.50
(12) Horticultural Branch Station in Chilton County 1,332.00

(13) Horticultural Branch Station in North Alabama ---------- 1,332.00

(14) Wiregrass Experiment Station at Headland, Alabama ---------- 718.50

(The appropriation to the Wiregrass Experiment Station at Headland, Alabama is to be devoted to the payment of salaries and other expenses incidental to conducting experiments and research in developing methods of producing, harvesting, marketing and processing peanuts and preventing damage to peanut crops.)

(15) Co-operative research at the Agricultural and Experimental Substation ------ 4,794.00

(16) Research in Forestry ---------- 3,196.50

That all research work and experimentation contemplated by the spirit and purpose of this sub-section (C) shall be carried out under the supervision of the Director of the Agricultural Experiment Station System and the President of Auburn University, who shall make a complete report to the Board of Trustees of Auburn University for each of the fiscal years ending September 30, 1962 and September 30, 1963.

The funds provided in this sub-section (C) shall be used for the support of researches, experiments, and investigations bearing upon and relating to the production, marketing, manufacturing, use and distribution of Agricultural crops and products; for the production, marketing and curing of all kinds of livestock and livestock products that may be sold from or consumed on the farms of Alabama; for the production, culture, and use of pasture plants, for the establishment, care, use and management of pastures; for the testing of all kinds of hay, food, and forage crops, including those that may be used for lawns and other sod crop purposes; for the testing of varieties of crops, including soil adaption and improvement; for the testing of fertilizers and fertilizer materials on the various soils and for various crops; for the production, marketing, storage, and curing of fruit, nut and vegetable crops; for the study of plant and animal disease, and insect pests; for researches and experiments dealing with forest production, management and use; for researches dealing with soil erosion and problems arising from the waste of land due to soil erosion; for researches to discover new uses of land; for the provisions of necessary land, buildings, fencing, livestock and other physical equipment needed for the research work herein provided for; for researches in game and fish production; provided, however, that any researches in game and fish production shall be in cooperation with or upon the advice of the Director of Conservation, so that there may be complete coordination between the work of the Alabama Agricultural Experiment Station and that of the State Department of Conservation; as future changing agricultural conditions may demand, for researches and experiments on other similar important agricultural and economic

problems having for their object the development of a more permanent, profitable and diversified agriculture; and for the printing of the necessary bulletins, circulars, etc., in order that the citizens of Alabama may be acquainted with the results of said research.

Section 25.

BOARD OF CONTROL OF THE TEACHERS' RETIREMENT SYSTEM:

For the Teachers' Retirement System ___ 273,465.00

The above appropriations shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

Section 26.

BOARD OF TRUSTEES OF THE STATE TRAINING SCHOOL FOR GIRLS:

For the operation and maintenance of the State Training School for Girls ____ 8,599.50

Section 27.

BOARD OF TRUSTEES OF THE UNIVERSITY OF ALABAMA:

A. The University:

(1) For operation and maintenance _____ 277,599.00
(2) For School of Nursing _____ 6,895.50
(3) For Tuberculosis Nursing (Education) __ 1,276.50
(4) For Research and Extension _____ 15,322.50
(5) For State Scholarship Program for students in School of Nursing under the provisions of Act No. 591, Regular Session, 1957 _____ 714.00

B. The University of Alabama Medical Center:

(1) For the Medical College:
For maintenance and operation _____ 76,614.00
(2) For University Hospital:
For the support of interns, residents, operation of the Hospital School of Nursing and other technical schools and for indigent care _____ 33,964.50
(3) For the School of Dentistry:
For maintenance and operation _____ 43,413.00

The above appropriations for the Alabama Medical Center shall be expended pursuant to the provisions of Act No. 89, 1943 Acts, page 89, and Act No. 207, Section 9, 1945 Acts, page 325.

Section 28.

STATE TENURE COMMISSION:

For expense of operation ---------- 265.50

Section 29.

SYLACAUGA NURSES TRAINING SCHOOL:

For the operation and maintenance of the Nurses Training School at Sylacauga 2,130.00

Section 30.

No appropriation made in Section 17 to 29 inclusive of this act shall be budgeted or allotted by the State Budget Officer until he is directed so to do by the Governor after the Governor has determined that such funds or any part thereof are available in the Alabama Special Educational Trust Fund.

Section 31.

The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds provided for in this Act, whereupon the Comptroller, upon the approval by the Governor, shall issue his warrant therefor; provided, that all appropriations and funds made available to the Alabama College, the University of Alabama, Auburn University, the Institute for the Deaf and Blind, the Boys' Industrial School, the Alabama Industrial School for Negroes, the State Training School for Girls, the Alabama Educational Television Commission and for the Teachers' Retirement System by the provisions of this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 32.

The provisions of this Act are severable. If any section, paragraph, sentence, clause, provision or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, such holding shall not affect any other section, paragraph, sentence, clause, provision, or portion of this Act, or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 33.

This Act shall become effective October 1, 1961.

Mr. deGraffenried then offered the following amendment to the substitute for the Bill, H. B. 17, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE FOR H. B. 17

Amend Finance and Taxation Committee Substitute for House Bill 17 by striking therefrom on pages 3 and 4 of the bill the whole of subsection D of Section 4, and insert in lieu thereof the following:

"D Free Textbooks

For the fiscal year ending September 30, 1962:

For salaries ---------- 16,738.00

For other expenses	12,006.00	
For purchase of free textbooks	401,590.00	
Total		430,334.00
For the fiscal year ending September 30, 1963:		
For salaries	17,940.00	
For other expenses	12,869.00	
For purchase of free textbooks	399,910.00	
Total		430,719.00

The above appropriation shall be expended by the State Board of Education for the purpose of furnishing free textbooks in the tax supported public elementary schools of the State in accordance with the statutes and regulations of the Board in regard thereto, but only for the first, second, and third grades of such schools."

Further amend Finance and Taxation Committee Substitute for House Bill 17 by adding at the end of Section 4 on page 6 of the bill the following:

"M Elementary Teacher Scholarship Fund:

For the fiscal year ending September 30, 1962	23,410.00
For the fiscal year ending September 30, 1963	25,090.00"

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs:	Farmer	Hines	Porter	
Archer	Givhan	Jones	Robison	
Caffey	Godfrey	Kendall	Rutledge	
Cooper	Green	Leonard	Samford	
deGraffenried	Haltom	Moses	Webb	
Dumas				—20

Nays: —0

And the substitute for the Bill, H. B. 17, as thus amended, was then adopted by the Senate.

Yeas 21; Nays 0.

Yeas:

Messrs:	Berryman	Clark	deGraffenried
Barnett	Caffey	Crawford	Dumas

Farmer	Haltom	Porter	Rutledge	
Givhan	Hines	Roberts	Samford	
Godfrey	Kendall	Robison	Webb	
Green	Moses			—21

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Porter	
Barnett	Dumas	Hines	Robison	
Berryman	Farmer	Jones	Rutledge	
Caffey	Givhan	Kendall	Samford	
Clark	Godfrey	Leonard	Shelton	
Cooper	Green	Moses	Webb	
Crawford				—24

Nays: —0

The Bill:

H. 1026. To amend further Act No. 128, S. 120, Regular Session 1949, entitled "An Act to provide for the service of process in civil suits upon non-residents of the State of Alabama and providing that any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the constitution and laws of this State as to doing business herein shall be deemed to have appointed the Secretary of State, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served; and for other purposes" (Acts of Alabama 1949, p. 154).

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO HOUSE BILL NUMBER 1026

Amend Section 2 of House Bill Number 1026 to read as follows:

"Section 2. The amendment, change and alteration of Act No. 128, S. 120, Regular Session, 1949, provided for hereinabove, shall apply only to causes of action arising after the date of enactment hereof. Subject to the exception set forth in the next preceding sentence hereof, this Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law."

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs:	Archer	Berryman	Clark
Andrews	Barnett	Caffey	Cooper

Crawford	Green	Leonard	Rutledge	
deGraffenried	Haltom	Moses	Samford	
Dumas	Jones	Porter	Shelton	
Givhan	Kendall	Robison	Webb	
Godfrey				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Green	Porter	
Andrews	Crawford	Haltom	Robison	
Archer	deGraffenried	Hines	Rutledge	
Barnett	Dumas	Kendall	Samford	
Berryman	Farmer	Leonard	Shelton	
Caffey	Givhan	Moses	Webb	
Clark				—24

Nays: —0

The Bill:

H. 208. To amend further Code 1940, Title 41, Section 152, in relation to maximum salaries or compensation payable to officers and employees of the State of Alabama.

was taken up.

Mr. Clark offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 208

Strike out Section 1 of the bill entirely and insert the following in lieu thereof:

Section 1. Title 41, Section 152, Code of Alabama 1940, is amended further to read as follows:

"Section 152. When not fixed by law or provided for in the pay plan of the Merit System, the Governor is authorized to fix or approve salaries or compensation of officers and employees of the State of Alabama, but no salary or compensation, including those provided for in the pay plan of the Merit System for unclassified positions in the State service, shall be fixed or approved in excess of nine thousand dollars ($9,000.00) per annum, unless a different maximum is fixed by law. The State Personnel Board may provide in the pay plan for officers and employees in the classified service of the State, other than physicians employed by the State Health Department whose salaries are fixed in accordance with Section 9 of Title 22 of this Code, as amended, and employees of the State Docks Department a maximum salary or compensation not exceeding ten thousand dollars ($10,000.00) per annum, any law now applying to the salary or compensation of specific officers

or employees to the contrary notwithstanding; and provided further where the salary or compensation of any officer or employee in the exempt service is now fixed by law at a lesser amount, the appointing authority (as defined in the Merit System Law) may fix the salary or compensation at an amount not exceeding the maximum salary of officers and employees in the classified service. The salaries or compensation of officers and employees of the State Docks Department who are in the classified service of the State shall be provided for in the pay plan of the Merit System without regard to the limitations prescribed herein."

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs:	deGraffenried	Hines	Robison	
Barnett	Dumas	Jones	Rutledge	
Berryman	Farmer	Kendall	Samford	
Caffey	Givhan	Leonard	Shelton	
Clark	Godfrey	Moses	Webb	
Cooper	Green	Porter	Wyatt	
Crawford	Haltom			—25

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Haltom	Porter	
Barnett	Dumas	Hines	Robison	
Berryman	Farmer	Jones	Rutledge	
Caffey	Givhan	Kendall	Samford	
Clark	Godfrey	Leonard	Webb	
Cooper	Green	Moses	Wyatt	
Crawford				—24

Nays: —0

The Bill:

H. 247. To amend Act No. 730, S. 528, approved September 20, 1957 (Acts of Alabama 1957, page 1136) which relates to the use outside their corporate limits of municipal fire fighting equipment and personnel by certain towns.

was taken up.

Mr. Green offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. 247

Strike Section 3.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Green	Moses	
Archer	deGraffenried	Haltom	Porter	
Barnett	Farmer	Hines	Robison	
Berryman	Givhan	Jones	Samford	
Caffey	Golson	Kendall	Webb	
Clark	Graham	Leonard	Wyatt	
Cooper				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 22; Nays 2.

Yeas:

Messrs:	Crawford	Green	Porter	
Archer	deGraffenried	Haltom	Robison	
Berryman	Dumas	Hines	Samford	
Caffey	Farmer	Kendall	Webb	
Clark	Givhan	Leonard	Wyatt	
Cooper	Godfrey	Moses		—22

Nays:

Messrs:	Barnett	Jones	—2

The Bill:

H. 737. To provide an additional method for the mortgaging of livestock and poultry, and the natural increase thereof, and such as may be thereafter acquired, whether or not in actual or potential existence at the time of the execution of the mortgage, and to provide how such livestock and poultry may be described.

was taken up.

The Standing Committee on Judiciary offered the following amendment to the Bill, to-wit:

COMMITTEE AMENDMENT TO H. B. 737

After the words "creditors with notice thereof" in Section 1 insert the following: "provided that the after acquired property is purchased by funds advanced by the mortgagee;"

On motion of Mr. Jones, the Committee amendment was laid on the table.

Mr. Jones then offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. 737

A BILL

TO BE ENTITLED

AN ACT

To provide an additional method for the mortgaging of livestock and poultry, and such as may be thereafter acquired, whether or not in actual or potential existence at the time of the execution of the mortgage, and to provide how such livestock and poultry may be described.

Be It Enacted by the Legislature of Alabama:

Section 1. A mortgage on all of the livestock or poultry of a named class or classes, described as being all of such class or classes located within a named county or at a designated locality within the county, owned by the mortgagor at the time of execution of the instrument, and on all such property of like kind, whether or not in actual or potential existence, as may be acquired by mortgagor by purchase within a stated period not to exceed twelve months and located as designated in the mortgage, shall be valid and shall constitute a valid lien as to all creditors with notice thereof; provided however, that such after acquired property was purchased with funds advanced by the mortgagee, and provided further that any indebtedness secured by such mortgage may be paid at any time without penalty.

Section 2. This act shall not repeal any law now in effect in Alabama with respect to the manner of mortgaging livestock and poultry but shall be cumulative of present methods and provide an additional method of mortgaging livestock and poultry, including such as is after acquired.

Section 3. Effective date. This Act shall become effective upon its passage and approval by the Governor or upon it otherwise becoming a law.

Which was adopted.

Yeas 22; Nay 1.

Yeas:

Messrs:	Cooper	Golson	Leonard	
Archer	Crawford	Green	Moses	
Barnett	deGraffenried	Haltom	Porter	
Berryman	Dumas	Hines	Samford	
Caffey	Farmer	Jones	Wyatt	
Clark	Givhan	Kendall		—22

Nay: Mr. Webb —1

And said Bill, as thus amended by the substitute, was then read a

third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	Cooper	Green	Moses	
Archer	Crawford	Haltom	Porter	
Barnett	deGraffenried	Hines	Robison	
Berryman	Dumas	Jones	Samford	
Caffey	Farmer	Kendall	Wyatt	
Clark	Givhan	Leonard		—22

Nays: —0

The Bill:

H. 686. To amend Sections 6, 14, 16, 19 and 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

was taken up.

Mr. Barnett offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 686

A BILL

TO BE ENTITLED

AN ACT

To amend Sections 3 (1), 6, 14, 16, 19 and 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration

and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act".

Be It Enacted by the Legislature of Alabama:

Section 1. That Section 3 (1) of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 3 (1) 'Vessel' means every description of watercraft, other than a sea plane capable of being used as a means of transportation on water, but shall not include vessels under foreign registry temporarily using the public waters of this state nor shall it include public vessels of the United States, State, County, or Municipal vessels, ships, lifeboats or vessels temporarily operating upon the public waters of this State which have been validly licensed by another state or the Federal Government, or vessels 12 feet in length or less when used solely on farm ponds of less than fifty acres in size."

Section 2. That Section 6 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 6 (1). The Department of Conservation will issue annual certificates of registration directly or may authorize any probate judge in the State or any other official in the State who is presently authorized to issue automobile license plates, to issue certificates of registration and numbers in connection therewith. In conformity with this Act and any rules and regulations which may be validly issued by the Department of Conservation, the Department of Conservation may assign to each issuing officer in said county a block of numbers and certificates therefor which upon issue the issuing officer shall be allowed a fee of Twenty-five Cents (25c) for each certificate issued by him. In counties where the probate judge or issuing officer is on the fee system, the issuing fee shall be retained by the probate judge and in counties where the issuing officer or probate judge is on a salary basis the fee shall be paid to the county treasury.

"(2). All registration monies, except the Twenty-five Cent (25c) fee allowed as aforesaid, shall be remitted monthly to the Department of Conservation not later than ten (10) days after the first of each month.

The Department of Conservation shall transmit all monies received by it to the state treasurer, there to be deposited in a fund to be known as the 'State Water Safety Fund'.

"(3). All monies received out of the sale of licenses under the provisions of this Act may be used by the Director of the Department of Conservation for all purposes reasonably necessary in the cost of administration of this Act including the printing of certificates of registration, postage and transportation charges, clerical, personnel, equipment purchases, salaries, and other expenses for each year except no funds collected under the provisions of this Act may be used to supplement or pay the salaries of any enforcement officers other than those hired specifically for the purposes of administering the provisions of this Act. The Director of the Department of Conservation shall expend such monies as may be appropriated to said Water Safety Division, in such manner as the Director of Conservation may deem necessary and appropriate, provided, however, that such appropriations may be expended only for the purposes designated by the Legislature and in the amounts provided therefor in the general appropriation bill and shall be budgeted and allotted in accordance with the provisions of Title 55, Chapter 4, Article 3, Code of Alabama 1940, as amended. It is the intent of the Legislature that the Department of Conservation utilize existing personnel and equipment of that Department and of the Sheriffs of this State to the maximum possible extent in enforcing and administering this Act, to the end that there be no costly duplication of services.

Section 3. That Section 14 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 14. The owner shall furnish the Department of Conservation notice of the transfer of all or any part of his interest other than the creation of a security interest in a vessel numbered in this State pursuant to this Act or of the destruction or abandonment of such vessel, within fifteen (15) days thereof. Such transfer, destruction, or abandonment shall terminate the certificate for such vessel, except, that in the case of a transfer of a part interest which does not affect the owner's right to operate such vessel, such transfer shall not terminate the certificate.

"(1). Any holder of a certificate shall notify the department of Conservation within fifteen (15) days, if his address no longer conforms to the address appearing on the certificate and shall, as a part of such notification, furnish the Department of Conservation with his new address. The Department of Conservation may provide in its rules and regulations for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or for the alteration of an outstanding certificate to show the new address of the holder.

"(2). Any person who has purchased a registration number for his vessel and subsequently loses or misplaces the registration certificate, may make application to the Department of Conservation, accompanied by a fee of fifty cents (50c), for a duplicate registration certificate. Such applications must be made upon forms furnished by the Division of Water Safety of the Department of Conservation."

Section 4. That Section 16 of Act No. 576, Acts of Alabama 1959,

page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 16. Vessels subject to the provisions of this Act shall be classified according to the following schedule and the annual fees charged by the Department of Conservation for registration shall be in the following amounts:

"Class 1. Less than sixteen (16) feet in length, $2.00.

"Class 2. Sixteen (16) feet or over and less than twenty-six (26) feet in length, $3.00.

"Class 3. Twenty-six (26) feet or over and less than forty (40) feet in length, $6.00.

"Class 4. Forty (40) feet or over, $12.00.

"Class 5. Dealer or Manufacturer's temporary license, $10.00 for the first license purchased, and $1.00 for each additional license."

Section 5. That Section 19 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 19. The Department of Conservation through its agents and employees shall have the right to inspect at any reasonable time all boats owned or controlled by a livery operator for the purpose of ascertaining their seaworthiness and safety. In the event any boat owned or used by the livery operator for rental purposes is determined to be in an unsafe or unseaworthy condition, the Department of Conservation shall immediately notify the livery operator in writing as to the unsafe or unseaworthy condition of such boat or boats and after such notification, it shall be unlawful for the boat liveryman to rent or offer to rent any boat found to be in such condition; provided, however, if such cited boat can be placed in a seaworthy or safe condition by repairs or alterations as so directed by the Department, same may then again be used for rental purposes but only after another inspection of the vessel to ascertain whether or not such repairs or alterations have been duly made."

Section 6. That Section 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, be and the same is hereby amended so as to read as follows:

"Section 20. The exhaust of every internal combustion engine used on any vessel shall be effectively muffled by equipment so constructed and used as to muffle the noise of the exhaust in a reasonable manner. The use of cutouts is prohibited, except for vessels competing in a regatta or official boat race, and for such vessels while on trial runs. No person shall use or have on board his vessel a siren of any type while operating on the waters of this State except as may be specifically allowed by the Director of Conservation for enforcement purposes."

Section 7. All laws or parts of laws in conflict with the provisions of this Act are hereby expressly repealed.

Section 8. This Act shall become effective on October 1, 1961.

Which was adopted.

Yeas 22; Nays 0.

Yeas:

Messrs:	Crawford	Haltom	Porter	
Archer	deGraffenried	Hines	Robison	
Barnett	Dumas	Jones	Samford	
Caffey	Farmer	Kendall	Webb	
Clark	Givhan	Leonard	Wyatt	
Cooper	Green	Moses		—22

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Green	Moses	
Andrews	Crawford	Haltom	Porter	
Archer	deGraffenried	Hines	Robison	
Barnett	Dumas	Jones	Samford	
Berryman	Farmer	Kendall	Webb	
Caffey	Givhan	Leonard	Wyatt	
Clark				—24

Nays: —0

The Bill:

H. 1400. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Haltom	Porter	
Andrews	deGraffenried	Kendall	Robison	
Barnett	Dumas	Hines	Rutledge	
Berryman	Farmer	Jones	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Green	Moses	Wyatt	
Cooper				—24

Nays: —0

The Bill:

H. 797. To amend Sections 3 and 4 of Act No. 981, H. 817, approved September 12, 1951 (Acts of Alabama 1951, page 1655) entitled "An Act relating to criminal sexual psychopathic persons; providing for the commitment and treatment of such persons after their conviction of a sex offense, and prescribing the procedure therefor; and providing for the further disposition of such persons."

was taken up.

Mr. Hines offered the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 797

A BILL

TO BE ENTITLED

AN ACT

TO AMEND SECTIONS 1 (a), 3 and 4 OF ACT NO. 981, H. 817, APPROVED SEPTEMBER 12, 1951 (ACTS OF ALABAMA 1951, PAGE 1655) ENTITLED "AN ACT RELATING TO CRIMINAL SEXUAL PSYCHOPATHIC PERSONS; PROVIDING FOR THE COMMITMENT AND TREATMENT OF SUCH PERSONS AFTER THEIR CONVICTION OF A SEX OFFENSE, AND PRESCRIBING THE PROCEDURE THEREFOR; and PROVIDING FOR THE FURTHER DISPOSITION OF SUCH PERSONS."

Be It Enacted by the Legislature of Alabama:

"Section 1. Sections 1 (a), 3 and 4 of Act No. 981, H. 817, approved September 12, 1951 (Acts of Alabama 1951, page 1655) entitled 'An Act relating to criminal sexual psychopathic persons; providing for the commitment and treatment of such persons after their conviction of a sex offense, and prescribing the procedure therefor; and providing for the further disposition of such person' are amended to read as follows:

'Section 1. (a) Any person who is suffering from a mental disorder but is not mentally ill or feeble-minded to an extent making him criminally irresponsible for his acts, such mental disorder being coupled with criminal propensities to the commission of sex offenses, is hereby declared to be a criminal sexual psychopathic person within the meaning of this Act.

'Section 3. When any person is charged with or convicted of a criminal sex offense and there is reason to believe that such person is a criminal sexual psychopathic person, the solicitor prosecuting the case or the Attorney General may in his sound discretion file in such courts, as a part of the proceeding and before the imposition of sentence of punishment, a petition in writing setting forth the facts tending to show that such person is a criminal sexual psychopathic person.

'Section 4. Upon the filing of such petition the court shall issue a mittimus or commitment of such person to the county jail. The court shall then appoint two qualified psychiatrists who, within Ten (10) days from the date of the issuance of the mittimus or commitment, shall

make a personal examination of such alleged criminal sexual psychopathic person. Such psychiatrists shall file with the court a report in writing of the results of their examination together with their conclusions and recommendations. In the event that both of such psychiatrists in such report state their conclusions to the effect that such person is a criminal sexual psychopathic person, a hearing shall be held as hereinafter provided, otherwise such person shall be admitted to bail as in other criminal cases. The costs of removing such person and the costs of such examination must be defrayed by the State; and if such person is determined to be a criminal sexual psychopathic person, such costs, together with all other expenses may be recovered by the State from such person, or his estate, or any relative who would have been bound to provide for and maintain him.' "

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nay 1.

Yeas:

Messrs:	Crawford	Haltom	Robison	
Berryman	deGraffenried	Hines	Shelton	
Caffey	Farmer	Kendall	Webb	
Clark	Givhan	Leonard	Wyatt	
Cooper	Green	Porter		—18

Nay: Mr. Rutledge —1

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 19; Nay 1.

Yeas:

Messrs:	Crawford	Haltom	Moses	
Berryman	deGraffenried	Hines	Porter	
Caffey	Farmer	Jones	Shelton	
Clark	Givhan	Kendall	Webb	
Cooper	Green	Leonard	Wyatt	
				—19

Nay: Mr. Rutledge —1

The Bill:

H. 200. To amend Sections 1, 2, 6 and 9 of Act No. 343, approved August 20, 1957, entitled "An Act To provide further for the execution of certain public contracts, providing for competitive bidding on certain public contracts for labor, services, or work or for the purchase of materials, equipment, supplies, or other personal property, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office and prescribing penalties."

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 200

In Section 1, paragraph 3, strike out "to barter transactions by the Board of Corrections." and insert "to barter transactions by the Board of Corrections; or to purchases, contracts, or repairs by the State Docks when it is deemed by the Director of the State Docks and its secretary-treasurer that such purchases, contracts, or repairs are impractical of award by competitive bidding due to the exigencies of time or interference with the flow of commerce, provided however that the Director of the State Docks and its secretary-treasurer shall place a sworn statement in writing in the permanent file or records setting out the emergency relied upon and the necessity for negotiation instead of proceeding by competitive bidding in said instance, and such sworn statement shall be open to public inspection. A copy of such sworn statement shall be furnished forthwith to the Chief Examiner of Public Accounts."

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Andrews	Crawford	Hines	Robison	
Barnett	deGraffenried	Jones	Rutledge	
Berryman	Farmer	Kendall	Samford	
Caffey	Givhan	Leonard	Webb	
Clark	Green	Moses	Wyatt	
				—23

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	Crawford	Hines	Robison	
Andrews	deGraffenried	Jones	Rutledge	
Barnett	Dumas	Kendall	Samford	
Berryman	Farmer	Leonard	Webb	
Caffey	Givhan	Moses	Wyatt	
Cooper	Haltom	Porter		
				—22

Nays: —0

The Bill:

H. 606. To make an appropriation for the support and maintenance of the R. C. Burns Hope Haven School for Retarded Children and the Tuscaloosa Opportunity School for Retarded Children at Tuscaloosa, Alabama.

Was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs:	Crawford	Haltom	Robison	
Archer	deGraffenried	Hines	Rutledge	
Barnett	Dumas	Jones	Samford	
Berryman	Farmer	Kendall	Shelton	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wyatt	
Cooper	Green	Porter		—26

Nays: —0

The Bill:

H. 191. To amend Section 613 of Title 51, Code of Alabama 1940.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Cooper	Green	Moses	
Archer	Crawford	Haltom	Porter	
Barnett	deGraffenried	Hines	Robison	
Berryman	Dumas	Jones	Rutledge	
Caffey	Givhan	Kendall	Samford	
Clark	Godfrey	Leonard	Webb	
				—23

Nays: —0

The Bill:

H. 1116. Making an appropriation from the state treasury for the relief of Barney Davis of Foley, Alabama.

Was read a third time at length and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Cooper	Green	Porter	
Archer	Crawford	Haltom	Robison	
Barnett	deGraffenried	Hines	Rutledge	
Berryman	Dumas	Jones	Samford	
Caffey	Farmer	Kendall	Shelton	
Clark	Givhan	Leonard	Webb	
				—23

Nays: —0

The Bill:

H. 665. To regulate further the execution of certain contracts for public works; requiring contractors to use domestic products in public works projects.

Was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Andrews	Crawford	Hines	Robison	
Archer	deGraffenried	Jones	Samford	
Barnett	Dumas	Kendall	Shelton	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wyatt	
Clark	Green			—25

Nays: —0

The Bill:

H. 1292. To amend Section 348, Title 51, Code of Alabama, 1940, and to repeal all laws and parts of laws, general or special, in conflict herewith.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Green	Moses	
Archer	deGraffenried	Haltom	Porter	
Barnett	Dumas	Hines	Robison	
Berryman	Farmer	Jones	Samford	
Caffey	Givhan	Kendall	Webb	
Clark	Godfrey	Leonard	Wyatt	
Cooper				—24

Nays: —0

The Bill:

H. 466. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs:	Berryman	Crawford	Farmer
Archer	Caffey	deGraffenried	Givhan
Barnett	Clark	Dumas	Haltom

Hines	Leonard	Robison	Webb	
Jones	Moses	Samford	Wyatt	
Kendall	Porter			—21

Nays: —0

The Bill:

H. 695. To amend Section 342 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to provide that any undertaking which a municipality is authorized to acquire, construct, reconstruct, improve, better or extend under the provision of said section may be leased by the said municipality to any agency or department of the State of Alabama; and so as to authorize any municipality to charge and contract for and collect rentals for any undertaking or part thereof that may be so leased by the municipality.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	Clark	Farmer	Robison	
Archer	Cooper	Haltom	Samford	
Barnett	Crawford	Kendall	Webb	
Berryman	deGraffenried	Moses	Wyatt	
Caffey	Dumas	Porter		—18

Nays: —0

The Bill:

H. 696. To amend Section 470 of Title 37 of the Code of Alabama of 1940 so as to clarify the provisions of the said section with respect to the powers of municipalities to own, construct, maintain and lease buildings and other improvements on and near wharves and wharf sites and so as to change the period of time for which leases may be made under said section.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Rutledge	
Archer	Crawford	Kendall	Samford	
Barnett	deGraffenried	Moses	Webb	
Caffey	Dumas	Porter	Wyatt	
Clark	Green	Robison		—18

Nays: —0

The Bill:

H. 891. To authorize the State Board of Agriculture and Indus-

tries to establish a program for the prevention, control and eradication of brucellosis or bangs disease in cattle and to prescribe the powers, authority and duties of the Commissioner of Agriculture and Industries and procedures for testing and vaccinating cattle for the control and Board of Agriculture and Industries to prescribe methods and procedures for calfhood vaccination against brucellosis together with other methods and procedures for testing and vaccinating cattle for he control and eradication of such disease; to authorize the State Board of Agriculture and Industries to adopt rules and regulations for a brucellosis disease control and eradication program and to prescribe a penalty for violations thereof; to repeal Act No. 410 of the Legislature of 1947, approved September 25, 1947 (General Acts of 1947, page 298).

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	Crawford	Green	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Barnett	Dumas	Hines	Samford	
Berryman	Farmer	Kendall	Webb	
Cooper	Givhan	Porter		—18

Nays: —0

The Bill:

H. 57. To amend Act No. 261, H. 37, Regular Session 1957, an act levying a documentary tax or transfer fee upon leases and instruments creating or transferring mineral interests (Acts of Alabama 1957, vol. I, p. 332).

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Porter	
Archer	Crawford	Hines	Robison	
Barnett	deGraffenried	Kendall	Rutledge	
Berryman	Dumas	Leonard	Samford	
Caffey	Farmer	Moses	Webb	
Clark				—20

Nays: —0

The Bill:

H. 1212. Relating to Patents to Public Lands.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	deGraffenried	Hines	Robison	
Archer	Dumas	Kendall	Rutledge	
Berryman	Farmer	Leonard	Samford	
Clark	Green	Moses	Webb	
Cooper	Haltom	Porter	Wyatt	
Crawford				—20

Nays: —0

The Bill:

H. 1398. To amend further Section 11 of Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the board of registrars of the result of proceedings to legitimate bastard children.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	Cooper	Givhan	Robison	
Archer	Crawford	Green	Rutledge	
Berryman	deGraffenried	Haltom	Samford	
Caffey	Dumas	Hines	Webb	
Clark	Farmer	Kendall		—18

Nays: —0

The Bill:

H. 203. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding $1,500,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said Department in connection therewith; to authorize the State to become indebted to the extent of not exceeding $1,500,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the pro-

ceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature or Act No. 98 adopted at the 1959 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	Clark	Givhan	Porter	
Andrews	Cooper	Green	Robison	
Archer	Crawford	Haltom	Rutledge	
Berryman	deGraffenried	Hines	Samford	
Caffey	Dumas	Kendall	Webb	
				—19

Nays: —0

The Bill:

H. 1122. Requiring Communists, Nazis and Muslims and known members of Communist-front organizations to register with the department of public safety, and prescribing penalties.

Was read a third time and length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Cooper	Green	Robison	
Andrews	deGraffenried	Haltom	Rutledge	
Archer	Dumas	Hines	Samford	
Barnett	Farmer	Kendall	Webb	
Caffey	Givhan	Porter	Wyatt	
Clark				—20

Nays: —0

The Bill:

H. 53. To amend further Section 9 of Title 34, Code of Alabama 1940, in relation to the place or places where marriage licenses may be issued.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs:	Cooper	Green	Robison	
Archer	Crawford	Haltom	Rutledge	
Barnett	deGraffenried	Hines	Samford	
Berryman	Dumas	Kendall	Webb	
Caffey	Farmer	Porter	Wyatt	
Clark	Givhan			—21

Nays: —0

INTRODUCTION OF BILLS

Upon a call of districts bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Rutledge:

S. 672. To allow the Sheriff of Cullman County, Alabama, one additional deputy sheriff in addition to those now provided by law, and to authorize the governing body of Cullman County to pay the salary of the same; to fix the salary of said additional deputy and to make the same payable out of the general funds of Cullman County, in monthly installments; to authorize the Sheriff's supervision and control of said additional deputy and to provide for the appointment of the same.

Committee on Local Legislation

BILLS ON THIRD READING RESUMED

The Bill:

H. 231. To permit the State Geologist and the Assistant State Geologist to teach courses at the University of Alabama which are related to the study of geology. To regulate the time during which such teaching shall be permitted and to provide compensation for same. To provide from what funds such compensation shall be paid and the conditions under which it shall be paid. To permit faculty members and students of any institution of higher learning in the State of Alabama to do research and other related work for the State Geological Survey or the State Oil and Gas Board. To limit the time during which such research work may be conducted. To provide compensation for such work, the funds from which same shall be paid and the conditions and regulations under which such research work may be done. To provide an effective date for this act.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Crawford	Green	Robison	
Archer	deGraffenried	Haltom	Rutledge	
Berryman	Dumas	Hines	Samford	
Caffey	Farmer	Kendall	Webb	
Clark	Givhan	Porter	Wyatt	
Cooper				—20

Nays: —0

The Bill:

H. 324. To provide for painting stripes along the outer edges of public roads and highways.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	Cooper	Haltom	Samford	
Andrews	deGraffenried	Hines	Shelton	
Barnett	Givhan	Jones	Turner	
Berryman	Golson	Moses	Wilson	
Clark	Green	Robison	Word	
				—19

Nays: —0

FURTHER CONSIDERATION OF REPORT FROM RULES

The Senate proceeded to further consideration of the Report from the Standing Committee on Rules relative to H. B. 244.

The question was on the substitute motion by Mr. deGraffenried that further consideration of the motion by Mr. Turner be postponed until the 36th Legislative day at 2 o'clock P.M. The substitute motion by Mr. deGraffenried was lost.

Yeas 5; Nays 22.

Yeas:

Messrs:	Berryman	Godfrey	Wilson	
Archer	Caffey			—5

Nays:

Messrs:	Clark	Dumas	Givhan
Andrews	Crawford	Eddins	Golson
Barnett	deGraffenried	Farmer	Graham

Green	Kendall	Robison	Webb	
Hines	Leonard	Samford	Word	
Jones	Porter	Shelton		—22

MOTION IN WRITING

Mr. Dumas offered the following motion in writing, to-wit:

"Having voted with the prevailing side, I now move that the vote by which the motion by Senator deGraffenried to postpone the substitute motion by Senator Turner to the 36th Legislative day, at 2 o'clock P.M., be now reconsidered.

Dumas"

BILLS ON THIRD READING RESUMED

The Bill:

H. 1015. To exempt from the computation of the taxes levied by Section 2 (a) of the Act of the Legislature of Alabama approved August 18, 1959, the gross proceeds received from the sale or furnishing of food, soft drinks, tobacco products, stationery and all other similar and or related articles by the Hospital Canteens operated by Alabama State Hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	Clark	Givhan	Robison	
Andrews	Cooper	Green	Rutledge	
Archer	Crawford	Haltom	Samford	
Barnett	deGraffenried	Hines	Webb	
Berryman	Dumas	Kendall	Wyatt	
Caffey	Farmer	Porter		—22

Nays: —0

The Bill:

H. 485. To make an appropriation for the relief of J. E. Rutherford.

Was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	Barnett	Clark	deGraffenried
Archer	Berryman	Cooper	Dumas

Eddins	Haltom	Leonard	Wilson	
Graham	Hines	Robison	Word	
Green	Jones	Turner		—18

Nays: —0

The Bill:

H. 623. To exempt certain religious publications from the use tax levied under the provisions of Article 11, Chapter 20, Title 51, Code of Alabama 1940.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	Eddins	Hines	Rutledge	
Archer	Golson	Jones	Samford	
Berryman	Graham	Leonard	Turner	
deGraffenried	Green	Porter	Wilson	
Dumas	Haltom	Robison	Word	
				—19

Nays: —0

The Bill:

H. 929. To provide further for the operation of the office of tax collector in all counties in this state having populations of not less than 20,000 nor more than 21,000; providing for the appointment and compensation out of county funds of a clerical assistant for the tax collector and for the appointment of a temporary tax collector in the event there is a vacancy in the office of tax collector for such county.

was taken up.

The Standing Committee on Local Legislation reported the following amendment to the bill, to-wit:

AMENDMENT TO H. B. 929

In the title strike the words, "providing for the appointment and compensation out of county funds of a clerical assistant for the tax collector and" and insert in lieu thereof the following: and providing

Also, strike Section 2 in its entirety.

Also, renumber Sections 3, 4, 5, 6 and 7 to be Sections 2, 3, 4, 5, and 6 respectively.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Moses	
Andrews	Eddins	Haltom	Rutledge	
Archer	Farmer	Hines	Samford	
Barnett	Gaither	Jones	Shelton	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Moses	
Andrews	Eddins	Haltom	Rutledge	
Archer	Farmer	Hines	Samford	
Barnett	Gaither	Jones	Shelton	
Berryman	Givhan	Kendall	Turner	
Caffey	Godfrey	Leonard	Webb	
Clark				—24

Nays: —0

The Bill:

H. 198. To further amend Title 29, Chapter 1, Section 5, Code of Alabama 1940, as amended, which relates to functions, duties and powers of Alabama Alcoholic Beverage Control Board.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Turner	
Barnett	Givhan	Hines	Wilson	
Clark	Golson	Jones	Word	
Cooper	Graham	Porter	Wyatt	
deGraffenried				—20

Nays: —0

The Bill:

H. 859. To create and establish the Tennessee-Mulberry Waterway Commission for the purpose of promoting the development of a waterway system in the State of Alabama connecting Guntersville Lake on the Tennessee River with Bankhead Lake on the Warrior River, utilizing Mulberry Fork and Brown's Creek as parts of the water route so

developed; providing for the appointment and compensation of members of the commission; prescribing their powers and duties; prescribing the manner in which such a commission can be dissolved; and to make appropriations.

Was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Dumas	Green	Robison	
Andrews	Eddins	Haltom	Turner	
Barnett	Givhan	Hines	Wilson	
Clark	Golson	Jones	Word	
Cooper	Graham	Porter	Wyatt	
deGraffenried				—20

Nays: —0

The Bill:

H. 636. To provide for continuity of state and local government in the event of an attack by an enemy of the United States.

Was read a third time at length and passed.

Yeas 21; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Porter	
Andrews	Dumas	Haltom	Robison	
Barnett	Eddins	Hines	Turner	
Berryman	Farmer	Jones	Wilson	
Clark	Givhan	Moses	Wyatt	
Cooper	Golson			—21

Nays: —0

The Bill:

H. 637. To propose an amendment to the Constitution of Alabama to provide for the continuity of the Legislature of the State of Alabama and the representation therein of the political subdivision of the State, in the event of an attack by an enemy of the United States.

Was read a third time at length as required by the Constitution and passed.

Yeas 23; Nays 0.

Yeas:

Messrs:	Berryman	deGraffenried	Farmer
Andrews	Clark	Dumas	Givhan
Barnett	Cooper	Eddins	Golson

Graham	Jones	Porter	Wilson	
Haltom	Kendall	Robison	Word	
Hines	Moses	Turner	Wyatt	
				—23

Nays: —0

The Bill:

H. 1106. Relating to vocational trade schools; authorizing, directing, and requiring the state board of education to provide for the establishment, maintenance and operation of a trade school for negroes at Gadsden.

Was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison	
Andrews	Dumas	Haltom	Webb	
Barnett	Eddins	Hines	Wilson	
Berryman	Farmer	Jones	Word	
Clark	Givhan	Moses	Wyatt	
Cooper	Golson	Porter		—22

Nays: —0

The Bill:

H. 1489. To propose a constitutional amendment relative to levying additional taxes in Clarke County for public school purposes.

Was read a third time at length as required by the Constitution and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Porter	
Andrews	Eddins	Hines	Rutledge	
Archer	Farmer	Jones	Samford	
Barnett	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark				—24

Nays: —0

The Bill:

H. 278. To provide for liens by registered veterinarians to aid in the collection of their charges, and for the enforcement thereof.

was taken up.

The Standing Committee on Judiciary reported the following amend-

ment to the Bill, to-wit:

AMENDMENT TO H. B. 278

In Section 1, Line 7, between the word "him" and the word "under" insert the words "while in his custody and"

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Samford
Barnett	Farmer	Jones	Turner
Clark	Givhan	Kendall	Webb
Cooper	Golson	Leonard	Wilson
deGraffenried	Graham	Moses	Wyatt

—23

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Eddins	Haltom	Porter
Andrews	Farmer	Hines	Robison
Clark	Givhan	Jones	Samford
Cooper	Golson	Leonard	Turner
deGraffenried	Graham	Moses	Word
Dumas			

—20

Nays: —0

The Bill:

H. 197. To provide for enforcement of competitive bidding and other requirements relative to letting and execution of contracts for public works or improvements.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, to-wit:

SUBSTITUTE FOR H. B. 197

A BILL

TO BE ENTITLED

AN ACT

To provide for enforcement of competitive bidding and other re-

quirements relative to letting and execution of contracts for public works or improvements.

Be It Enacted by the Legislature of Alabama:

Section 1. No action shall be brought or maintained in any court in this state to require any person or authority to pay out public funds for work and labor, for materials, or on any account connected with performance of a contract for public works or public improvements, if such contract was let or executed in violation of or contrary to the provisions of Code of Alabama 1940, Title 50, as heretofore or hereafter amended or supplemented, or of Act No. 492, Regular Session 1947 (General Acts 1947, p. 338), as heretofore or hereafter amended or supplemented. The awarding authority shall prior to the execution of final contracts and bonds certify that the contract to be awarded is let in compliance with Code of Alabama 1940, Title 50, as heretofore or hereafter amended or supplemented, or of Act No. 492, Regular Session 1947 (General Acts 1947, p. 338), as heretofore or hereafter amended or supplemented; and the issuance of such certificate by the awarding authority shall be a conclusive presumption that said contract was let in accordance with the statute hereinabove referred to.

Section 2. An action shall be brought by the attorney general, or may be brought by any interested citizen, in the name and for the benefit of the state, to recover from the awarding authority, contractor, or their sureties, or any person receiving funds under any public works contract let in violation of or contrary to the statutes described in Section 1.

Section 3. The attorney general or any interested citizen may maintain an action to enjoin the letting or execution of any public works contract in violation of or contrary to the provisions of the aforesaid statutes and may enjoin payment of any public funds under any such contract.

Section 4. The provisions of this Act are mandatory and the Act shall be so construed as to require strict competitive bidding on contracts for public improvements or public works. The courts shall not invoke or apply any principle of quantum merit or estoppel or any other legal or equitable principle which would allow recovery for work and labor done or materials furnished, under any contract let in violation of competitive bidding requirements as prescribed by law.

Section 5. All persons or parties entering into contracts or agreements with any agency or instrumentality of the State of Alabama for the construction of a public improvement shall be conclusively presumed to have notice of the provisions of this Act.

Section 6. Any awarding authority issuing a wilfully false or fraudulent certificate as required by Section 1 shall be guilty of a felony and on conviction thereof shall be fined not less than $1,000.00 nor more than $10,000.00, or at the discretion of the jury be imprisoned in the penitentiary for not less than one nor more than five years.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Porter
Archer	Dumas	Haltom	Robison
Barnett	Eddins	Hines	Samford
Berryman	Farmer	Kendall	Turner
Clark	Givhan	Leonard	Webb
Cooper	Golson	Moses	Word

—23

Nays: —0

And said Bill, as thus amended by the substitute, was then read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Robison
Archer	Eddins	Hines	Samford
Barnett	Givhan	Jones	Turner
Berryman	Golson	Kendall	Webb
Clark	Graham	Leonard	Word
deGraffenried			

—20

Nays: —0

The Bill:

H. 22. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Berryman	Dumas	Graham
Andrews	Clark	Eddins	Haltom
Archer	Cooper	Givhan	Hines
Barnett	deGraffenried	Golson	Kendall

Leonard	Robison	Shelton	Webb	
Moses	Samford	Turner	Word	
Porter				—24

Nays: —0

The Bill:

H. 1319. Relating to the levy of additional taxes for certain purposes in all counties having a population of 50,000 or less inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue, or other like governing body of such counties to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

was taken up.

Mr. Kendall offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 1319

Amend Section 2 (a) by striking out the figures 7,500 and inserting in lieu thereof the figures 6,500.

Which was adopted.

Yeas 19; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison	
Archer	Dumas	Haltom	Samford	
Barnett	Eddins	Hines	Turner	
Berryman	Givhan	Kendall	Webb	
Clark	Golson	Leonard	Wyatt	
				—19

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison	
Archer	Dumas	Haltom	Samford	
Berryman	Eddins	Hines	Wilson	
Clark	Givhan	Kendall	Wyatt	
Cooper	Golson	Leonard		—18

Nays: —0

The Bill:

H. 383. To amend Section 33 of Title 8, Code of Alabama, which relates to non-resident trip hunting license to increase the penalty therefor.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	Eddins	Haltom	Robison
Archer	Farmer	Hines	Rutledge
Barnett	Gaither	Jones	Samford
Berryman	Givhan	Kendall	Webb
Cooper	Golson	Moses	Wyatt

—19

Nays: —0

MOTION IN WRITING

Mr. deGraffenried offered the following motion in writing, to-wit:

"I request that the House be requested to return to the Senate for further consideration:

H.B. 718

H.B. 19

H.B. 1113

H.B. 20

H.B. 606

H.B. 21

H.B. 1195

deGraffenried"

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1082. To further provide for the collection of the sewer rentals or sewer service charges levied under the provisions of Act No. 619 of the Legislature of Alabama of 1949 (Acts of 1949, Pages 954 to 963 inclusive), by imposing the duty to collect such charges upon any City, Town, Water Board or other public corporation owning or operating any water distribution system serving three or more parcels of real property in Jefferson County, Alabama; to provide the compensation to any such Water Works Board for making such collections and to further regulate the method or methods for collection and the disposition of the collections and the reports; and to repeal all portions of any Act in conflict herewith.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Robison
Berryman	Gaither	Jones	Turner
Caffey	Givhan	Kendall	Webb
Clark	Godfrey	Leonard	Wilson
Cooper	Golson	Moses	Word
Crawford	Graham	Porter	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1417. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Golson	Kendall	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1216. To amend Title 37, Sections 404, 426, 428, 429, 456 and 457, of the Code of Alabama 1940, as heretofore amended, relating to the election of mayor and aldermen and the legislative functions of municipal councils.

Was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs:	deGraffenried	Givhan	Graham
Archer	Eddins	Godfrey	Haltom
Clark	Farmer	Golson	Hines

Kendall	Robison	Samford	Webb	
Moses	Rutledge	Shelton	Word	
				—19

Nays: —0

The Bill:

H. 1418. To provide for and fix the salaries of members of the commission or board of commissioners (including the president of such commission or board) of each city in the State of Alabama having a population of three hundred thousand or more inhabitants according to the last or any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; To provide that this act shall become effective on the first Monday of November, 1961.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1493. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Shelton	
Andrews	Eddins	Hines	Turner	
Archer	Farmer	Jones	Webb	
Barnett	Golson	Robison	Wilson	
Berryman	Graham	Rutledge	Word	
Crawford	Green	Samford	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1494. To amend Act No. 530, H. 1096, Regular Session 1959,

an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1541. Relating to the management of public records now on hand and required by law to be kept by the Circuit Court of Mobile County, Alabama, and the subdivisions thereof, and which may in the future be required to be kept by such Court; providing for the photographing or microfilming or other permanent reproduction of such public records kept and required to be kept by such Court, and providing that such reproduced copies shall constitute the official records of such Court and further providing copies made from such reproduced records will be admissible in evidence; and for the defrayment of the costs of such reproduction of such records, and the costs of equipment, supplies and personnel required for the maintenance, use and operation of such records by such Court after such reproduction has been completed.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1504. To alter or rearrange the boudary lines of the City of Arab, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Farmer	Green	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Robison	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1491. To vacate and hold for naught that certain dedication to the use of the public, as a park, driveway and pleasure ground forever, to certain real estate in the City of Geneva, Alabama, conveyed by D. H. Morris and others to Geneva County, Alabama, and by Geneva County, Alabama to the City of Geneva, Alabama, and to vest fee in City of Geneva, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Samford	
Andrews	Eddins	Hines	Shelton	
Archer	Farmer	Jones	Turner	
Barnett	Golson	Kendall	Wilson	
Cooper	Graham	Robison	Word	
Crawford	Green	Rutledge	Wyatt	
deGraffenried				—24

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Rutledge, further consideration of the Bill, H. B. 610, was indefinitely postponed by the Senate.

On motion of Mr. Cooper, further consideration of the Bill, H. B. 1508, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1411. To require disaster preparedness in the schools and educational institutions in each County in the State having a population in excess of 500,000 according to the last or any subsequent Federal decennial census.

was taken up.

Mr. Dumas offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 1411

In Section 1 strike out the word "require" and insert in lieu thereof "request."

In Section 2, after the words "in such county" where it appears for the second time, strike out the words "shall comply" and insert in lieu thereof the words "subject to their prior responsibility to the board of education of such school system,"

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1425. To provide for the compensation to be paid the Deputy Circuit Solicitor who is elected by the people in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Graham	Rutledge	
Andrews	Eddins	Green	Samford	
Archer	Farmer	Haltom	Shelton	
Barnett	Golson	Hines	Wilson	
Cooper	Graham	Moses	Word	
Crawford	Green	Porter	Wyatt	
deGraffenried				—24

Nays: —0

The Bill:

H. 1424. To provide for the compensation to be paid the Assistant Deputy Circuit Solicitor in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

The Bill:

H. 1270. Relating to Mobile County: To fix the compensation of the clerk of the circuit court of Mobile County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Crawford	Jones	Robison	
Archer	deGraffenried	Kendall	Turner	
Barnett	Gaither	Leonard	Webb	
Berryman	Givhan	Moses	Wilson	
Caffey	Godfrey	Porter	Word	
Clark	Golson	Robison	Wyatt	
Cooper				—24

Nays: —0

The Bill:

H. 1269. Relating to Mobile County: To fix the compensation of the register of the circuit court of Mobile County.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Green	Robison
Andrews	Dumas	Haltom	Rutledge
Archer	Eddins	Hines	Samford
Barnett	Farmer	Jones	Shelton
Caffey	Golson	Kendall	Word
Cooper	Graham	Leonard	Wyatt
Crawford			

—24

Nays: —0

The Bill:

H. 816. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Jones	Shelton
Berryman	Givhan	Kendall	Turner
Caffey	Godfrey	Leonard	Webb
Clark	Golson	Moses	Wilson
Cooper	Graham	Porter	Word
Crawford	Green	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1465. To amend Act No. 122 of the Legislature of Alabama 1955, approved July 8, 1955, (Acts of Alabama of 1955, page 366 et seq.)

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Barnett	deGraffenried	Farmer
Andrews	Cooper	Dumas	Golson
Archer	Crawford	Eddins	Graham

Green	Kendall	Rutledge	Wilson
Haltom	Porter	Samford	Word
Hines	Robison	Shelton	Wyatt
Jones			

—24

Nays: —0

The Bill:

H. 1496. To amend the title and Sections 1, 3, 5, 9 and 10 of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949 page 827 et seq.) entitled, "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof, and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of Master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as heretofore amended.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: —0

CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. Clark, further consideration of the Bill, H. B. 1534, was indefinitely postponed by the Senate.

On motion of Mr. Graham, further consideration of the Bill, H. B. 1497, was indefinitely postponed by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1486. To alter, re-arrange and extend the boundary lines of the Town of Cedar Bluff, in the County of Cherokee, State of Alabama, so as to include within the corporate limits of said town all territory within the existing corporate limits and certain other territory in Cherokee County, Alabama.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Green	Rutledge
Andrews	Eddins	Haltom	Samford
Archer	Farmer	Hines	Shelton
Barnett	Godfrey	Jones	Wilson
Cooper	Golson	Porter	Word
Crawford	Graham	Robison	Wyatt
deGraffenried			

—24

Nays: —0

The Bill:

H. 1483. To alter or rearrange the boundary lines of the City of Fairhope, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama, and to provide that the property annexed to the City of Fairhope be exempted from all municipal ad valorem taxes until the following municipal services are rendered said area, to-wit:

Police protection, fire protection, City planning and zoning, garbage collection, gas and water service shall be rendered to the property owners and persons residing therein or made available to them.

And, to require the County of Baldwin to continue to maintain the streets and roads in such added territory until such time as the same is assessed for taxation by the City of Fairhope.

was taken up.

Mr. Webb offered the following amendment to the Bill, to-wit:

AMENDMENT TO H. B. 1483

Strike out Section 4 of the bill entirely and insert in lieu thereof the following:

Section 4. The substantive provisions of this Act shall become operative only if the Act is approved by the qualified electors who reside within that part of the territory hereinabove described which is not

presently included within the corporate limits of the City of Fairhope, voting in a referendum election to be held on a day designated by the Probate Judge of Baldwin County, not less than twenty nor more than forty days from the date of this enactment. The notice of the election shall be given by the Probate Judge of Baldwin County, and the election shall be held, conducted and the results thereof canvassed in the manner prescribed by Article 2 of Chapter 5 of Title 37, Code of Alabama 1940, for giving notice of and conducting elections on the question of annexing territory to cities of twenty-five thousand or more inhabitants insofar as such provisions of said article may be appropriate; provided, however, no resolution of the municipal governing body need be made or filed with the Probate Judge, nor need a plat or map of the territory to be annexed be filed with the Probate Judge. The question shall be on the adoption of Act No. ____, H. 1483 of the 1961 Regular Session of the Legislature, which alters, re-arranges and extends the corporate limits of the City of Fairhope in Baldwin County. Each voter may furnish his own ballot, and if he desires to vote for the adoption of said Act there shall be written or printed on such ballot the word "YES". If he desires to vote against the adoption of such Act the word "NO" shall be written or printed on his ballot. The City of Fairhope shall pay all costs and expenses incident to the election.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison
Barnett	Farmer	Green	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark	Godfrey	Moses	Word
Cooper	Golson	Porter	Wyatt
Crawford			

—24

Nays: —0

And said Bill, as thus amended, was then read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Graham	Robison
Barnett	Farmer	Green	Turner
Berryman	Gaither	Kendall	Webb
Caffey	Givhan	Leonard	Wilson
Clark	Godfrey	Moses	Word
Cooper	Golson	Porter	Wyatt
Crawford			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Messrs. Sessions, Edwards, Rast, Morrow, Perry and Hawkins:

H. J. R. 99. To create a commission to study and to report to the Legislature on certain questions with respect to the merit system for public employees in Jefferson County and to memorialize Jefferson County, and the municipalities therein, to appropriate the funds needed to defray the expenses of any such commission.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING:

1. There is hereby established the Jefferson County civil service study commission. The commission shall consist of nine persons appointed as hereinafter prescribed, and representing the following classifications:

(a) A person connected with organized labor, to be named jointly by all labor organizations operating within the county;

(b) A person employed as and with at least five years experience in personnel management in business or industry, appointed by the Birmingham Chamber of Commerce;

(c) A member or former member of the county personnel or civil service board, appointed by the present civil service or personnel board of such county;

(d) A member of the citizens supervisory commission or other agency having the power to appoint members of the personnel or civil service board for the county, appointed by such citizens advisory commission or other like agency;

(e) An official of the county or a municipality therein who serves as an appointing authority under the civil service system, preferably with prior experience as a member of the classified civil service, appointed by the president of the Jefferson County Commission;

(f) A merit system employee of the county, appointed by the president of the Jefferson County Commission;

(g) A merit system employee of the City of Birmingham, appointed by the mayor or other chief executive officer of such city;

(h) A merit system employee of a municipality in the county other than Birmingham, appointed jointly by the chief executive officers of the several municipalities in the county except the largest one;

(i) A former member of the House of Representatives or the State Senate of Alabama, appointed by the presently serving members of such legislative delegation from such county.

2. The commission shall investigate, study and report to the Legislature upon the following questions:

(a) Should the composition of the citizens supervisory commission provided for in Act No. 248, approved July 6, 1945, (1945 General Laws of Alabama, page 381) Section 5, as amended, or the provisions relating

to its organization, functions and powers be altered or amended?

(b) Should department heads be classified employees under the civil service or merit system of such county?

(c) Should the power to fix and alter maximum, minimum and intermediate salaries for each grade and classification of positions under the classified service be the prerogative and duty of the personnel board in such county or the appointing authority or both?

(d) Should the procedures prescribed by law or by the rules of the personnel board or the citizens supervisory commission or followed by the personnel board in passing upon the dismissal or demotion of employees and appeals from the determination of the board in such cases be altered, amended or repealed?

(e) Should any laws be enacted, amended or repealed to improve the practical administration of the civil service or merit system law in the county and the relation of the personnel or civil service board and its employees to the appointing authorities and the employees in the classified service?

3. The several persons authorized above to appoint members of the commission shall certify their appointments of members of the commission to the judge of probate of Jefferson County, within thirty days after the adoption of this resolution. Appointments shall be for a term expiring May 31, 1963. In the event of a vacancy the successor to the person who ceases to hold such position shall be appointed in the same manner that the first member of the commission was appointed to such position. The person so appointed shall qualify by taking the oath of office prescribed by Section 279 of the Constitution of Alabama.

4. The judge of probate shall call the first meeting of the commission to be held within 30 days after the last appointment to membership has been certified. At its first meeting the commission shall elect a chairman from its own membership and he shall continue to serve as chairman so long as he remains eligible for membership on the commission, and when he ceases to be eligible for membership on the commission, the commission shall elect his successor. The chairman may call upon the sheriff of the county or any deputy sheriff thereof to attend the meetings with the commission to preserve order and to execute the decisions, rulings and orders of the commission and of the chairman thereof. The chairman of the commission shall be the keeper and custodian of the minutes, records, property and paraphernalia of the commission. The governing body of Jefferson County is hereby memorialized to furnish the chairman of the commission such supplies as are needed by the commission and a place of safe deposit for the records and property of the commission.

5. Members of the commission shall receive no compensation for serving as such. A majority of the commission shall constitute a quorum to transact business but a less number may adjourn from time to time. The commission shall adopt, from time to time, such rules, regulations and modes of procedure as it deems expedient to enable it to transact its business in an orderly manner.

6. If Jefferson County and the municipalities therein appropriate funds sufficient to enable the commission to employ clerical assistants, the commission shall have the power to select and employ a secretary who may be designated an executive secretary of the commission. The commission shall fix the salary and prescribe the duties and qualifications of such secretary within the appropriation made to the commission by

the county and the municipalities therein. The commission may also contract with and employ such other personnel as the commission needs in the course of its study provided that the combined salaries agreed to be paid such employees shall not exceed the amount appropriated by the county and municipalities therein for use of the commission. Employees of the commission hereby established shall not be subject to the provisions of any merit or civil service system law applicable to the employees of the county and the municipalities therein. The executive secretary shall qualify by taking the oath of office prescribed by Section 279 of the Constitution of Alabama.

7. After the organizational meeting the commission shall meet not less than once each sixty days until it has made a final report on the questions herein submitted to it. Such report shall be made not later than May 31, 1963. The chairman of the commission or any three members thereof may call a special meeting of the commission at the courthouse of Jefferson County at any time deemed necessary in the public interest. Such notice shall be signed by the person or persons calling such meeting and shall state briefly the purposes thereof. Such notice shall be mailed to each person who is a member of the commission and be published once each day for the three consecutive days immediately preceding the meeting, in a newspaper published in the County.

8. The commission is hereby directed to call upon the State of Alabama or any of its agencies or institutions for any aid or assistance that may be rendered to it; and the state departments and agencies are hereby memorialized to cooperate with such commission by furnishing such aid and assistance. The commission is particularly memorialized to employ such special and technical personnel as may be necessary to assemble the data and information and to make the analyses and draw the conclusions therefrom which will enable it to advise the Legislature with respect to the foregoing questions if Jefferson County and the municipalities therein make funds available to the commission to use for this purpose.

9. The personnel board of Jefferson County is hereby requested to make available to the members of the commission all books, records, and data of that department at all reasonable times. The appointing authority and all employees in the classified service of the county are also urged to furnish such information and data as the commission may request.

10. The governing body of Jefferson County and the governing body of every municipality in such county are hereby urged to cooperate with the commission hereby established to the end that the study made by the commission shall be authentic and valuable to the Legislature; and the governing bodies of such counties and municipalities are hereby urged to appropriate such sums as are necessary to enable this commission to make a thorough and detailed study of the Jefferson County public personnel system and to report their findings and recommendations to the Legislature.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

Mr. Dumas offered the following amendment to the Resolution, H. J. R. 99, which said resolution is set out in the foregoing Message from the House, to-wit:

AMENDMENT TO H. J. R. 99

Section 1 of H. J. R. 99 is hereby amended as follows:

Under subsection (a) at the end of said subsection add "at a meeting of the presidents of such organizations called and held by the Judge of Probate of such County for that purpose."

Under subsection (e) strike out the word "preferably"

Under subsection (f) strike out the words "appointed by the president of the Jefferson County Commission" and insert in lieu thereof "elected by the merit system employees of the County at a meeting called for that purpose and conducted by the Judge of Probate of the County"

Under subsection (g) strike out the words "appointed by the mayor or other chief executive officer of such city" and insert in lieu thereof the words "elected by the merit system employees of such city at a meeting called and conducted for such purpose by the Judge of Probate of the County"

Under subsection (h) strike out the words "appointed jointly by the chief executive officers of the several municipalities in the County except the largest one" and insert in lieu thereof "elected by the merit system employees of the several municipalities in the County other than the largest one, which meeting shall be called and conducted for such purpose by the Judge of Probate of the County."

Which was adopted.

And the Resolution, H. J. R. 99 as thus amended, was then concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Robison offered the following Senate Joint Resolution, to-wit:

S. J. R. 48. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, That the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of the Senate and House be and they are hereby relieved of any responsibility for the Codes, Supplements, Acts, Journals and any other books furnished to the members of the Legislature, and

BE IT FURTHER RESOLVED that the Secretary of the Senate and the Clerk of the House be and they are hereby relieved of any responsibility for the legislative payrolls of all sessions of this year and said payrolls as heretofore submitted and paid are hereby approved.

On motion of Mr. Robison, the Rules were suspended and the Resolution, S. J. R. 48, was adopted by the Senate.

Mr. Robison offered the following Senate Joint Resolution, to-wit:

S. J. R. 49. BE IT RESOLVED By the Senate, the House of Representatives Concurring, that the Secretary of the Senate and the Clerk of the

House each be allowed the Enrolling and Engrossing Clerks and twenty assistants for six weeks in addition to that provided in the Code to assist in checking the Journals and other records of the Senate and House for delivery to the Secretary of State.

On motion of Mr. Robison, the Rules were suspended and the Resolution, S. J. R. 49, was adopted by the Senate.

Mr. Dumas offered the following Senate Joint Resolution, to-wit:

S. J. R. 50. BE IT RESOLVED BY THE SENATE, THE HOUSE OF REPRESENTATIVES CONCURRING, that we express our warm thanks and grateful appreciation to Mr. Raymond Fowler, whose knowledge of state fiscal matters is unmatched, for the tireless service, sound counsel and sage advice he has provided the two houses and the committees and members thereof during this session.

On motion of Mr. Dumas, the Rules were suspended and the Resolution, S. J. R. 50, was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 521. Relating to the Eleventh Judicial Circuit: Authorizing the circuit solicitor to appoint a stenographic secretary, and providing for the payment of such secretary's compensation from the general fund of the county constituting such circuit.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 521, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. B. 521

In Section 1, strike out "such payment to be made on certificate issued by the presiding judge of the circuit" and insert "such payment to be made on certificate issued by the circuit solicitor"

Yeas 24; Nays 0.

Yeas:

Messrs:	Barnett	Clark	Farmer
Andrews	Berryman	Dumas	Gaither
Archer	Caffey	Eddins	Givhan

Godfrey	Kendall	Rutledge	Turner	
Haltom	Leonard	Samford	Webb	
Hines	Moses	Shelton	Wilson	
Jones				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 325. To propose an amendment to the Constitution relating to the levy and collection of special property taxes for educational purposes in Lauderdale County.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 325, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. B. 325

In the proposed constitutional amendment, 1st paragraph, strike out "but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness;" and insert the following: but shall not be used for or pledged to the payment of bonds or warrants;

Also, in the 2d paragraph of the proposed amendment, strike out "subsequent elections thereon may be held at any time" and insert "subsequent elections thereon may be held at intervals of not less than two years."

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Samford	
Andrews	Eddins	Hines	Shelton	
Archer	Farmer	Jones	Turner	
Barnett	Gaither	Kendall	Webb	
Berryman	Graham	Robison	Word	
Crawford	Green	Rutledge	Wyatt	
deGraffenried				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 447. To establish for Chilton County, Alabama, a Law and Equity Court; to define its jurisdiction and power, to provide for its officers and appointment, election, terms of office, powers, duties and compensation; to provide for a Court Reporter for said Court and fix and prescribe his duties, compensation and to provide for the payment of his salary; to provide that said Court shall be open at all times for the trial of causes and the transaction of business; to provide the rules and procedures of said Court, to provide a fine and forfeiture fund of said Court; to provide for the transfer of certain causes now or hereafter pending in the Circuit Court, County Court, Probate Court and the Juvenile Court of Chilton County, Alabama and to give said court Juvenile and Domestic Relations jurisdiction; and to abolish the County Court of Chilton County, Alabama.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Graham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 447, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. B. 447

Strike out Section 4 entirely and insert the following in lieu thereof:

SECTION 4. That the Clerk of the Circuit Court of Chilton County, Alabama shall be Ex-Officio Clerk of the Chilton County Law and Equity Court and shall have the same powers and discharge the same duties as clerks of the Circuit Courts, and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees, commissions and emoluments as are now, or as may hereafter be, allowed to Circuit Court Clerks as provided in Code of Alabama 1940, Title 11, Section 21, and Act No. 741, S. 307, Regular Session 1957 (Title 11, Section 89(2), Recompiled Code 1958), and the same shall be collected as such fees and commissions are collected in the Circuit Courts; and said clerk shall exercise the same powers and perform the same duties as are exercised and performed in the Circuit Court. The Register of the Circuit Court in Equity shall be Ex-Officio Register of the Chilton County Law and Equity Court, shall have the powers and discharge the duties which shall devolve upon the Register of the Chilton County Law and Equity Court and shall be subject to the same pains and penalties with regard to the duties of the office and shall be entitled to the same fees and commissions as are now, or as may hereafter be allowed to the Register of Circuit Courts in Equity and the same shall be collected as such fees are collected in Circuit Courts.

Also, in Section 14, line 12, after the words "shared in by the sheriff"

insert "and no compensation shall be paid to those deputies of the sheriff who are paid regular monthly salaries by the county;"

Also, strike out Section 34 entirely and insert the following in lieu thereof:

SECTION 34. That the Ex-Officio Clerk and Ex-Officio Register, with the approval of the Judge of said Court, are hereby authorized and required to requisition all necessary furnishings, records, stationery and supplies for the equipment and maintenance of said court as authorized by Act No. 872, Regular Session 1951 (1951 Acts of Alabama, p. 1505).

Yeas 24; Nays 0.

Yeas:

Messrs:	Gaither	Kendall	Shelton	
Berryman	Givhan	Leonard	Turner	
Caffey	Godfrey	Moses	Webb	
Clark	Golson	Porter	Wilson	
Cooper	Graham	Robison	Word	
Crawford	Green	Rutledge	Wyatt	
deGraffenried				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 602. To amend Act No. 127, H. 239, approved June 27, 1927, entitled "An Act To provide for the election of a County Superintendent of Education for Dale County, Alabama, to fix his term of office, to prescribe his salary, and the manner of payment, to define his qualifications, powers, and duties, and to provide for the election of his successor in office" (Local Acts of Alabama 1927, p. 52).

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Barnett, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 602, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. B. 602

In Section 3, after the words and figures "Section 4.," insert the following:

No provision of this Act shall in any way affect the apportionment of public school funds in Dale County between Dale County and the City of Ozark and such funds shall continue to be apportioned and distributed in the manner prescribed by law.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wilson
Clark			

—24

Nays: —0

REPORT OF COMMITTEE

Mr. Rutledge, Vice-Chairman of the Standing Committee on Local Legislation, reported that said Committee, in Session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Gordon (with notice and proof):

H. 1480. To create the Blount County Board of Public Hospitals and transfer to such board all the powers, duties, and authority of the board of directors of any public hospital corporation incorporated in Blount County pursuant to Act No. 46 of 1949, which board is hereby abolished; to prescribe the membership of such board of hospitals; and to provide for the selection, term of office, and the payment of certain expenses of the members of such board.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 162. To alter, rearrange, and add to the limits of the City of Chickasaw, Alabama, and to alter and rearrange the limits of the City of Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama, and adding same to the limits of the City of Chickasaw, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Chickasaw, Alabama.

And requests a Committee on Conference. And the Speaker of the House has named as a committee on the part of the House Messrs. Murphy, Engel and Trimmier.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 162, the title of which is set out in the foregoing Message from the House.

The President and Presiding Officer of the Senate appointed as Conferees on part of the Senate Messrs. Haltom, Caffey and Webb.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate Bill, and returns same herewith to the Senate:

S. 371. To apply in all counties of this State having a population of not less than 15,300 and not more than 15,400 according to the 1960 or any subsequent federal decennial census and to allow the Court of County Commissioners or other like governing body of such counties to fix and set aside, by resolution, certain days of the week for the closing of the offices in the courthouse of such counties.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Porter, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 371, the title of which is set out in the foregoing Message from the House.

SUBSTITUTE FOR S. B. 371

A BILL

TO BE ENTITLED

AN ACT

To allow the court of county commissioners or other like governing bodies of certain counties classified on a population basis to fix and set aside, by resolution, certain days of the week for the closing of the offices in the courthouses of such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. This act shall apply in all counties of Alabama having populations of not less than 15,300 nor more than 15,400 and all counties having populations of not less than 17,800 and not more than 18,700, according to the 1960 or any subsequent federal decennial census.

Section 2. In all counties of this State coming within the purview

of this act, the court of county commissioners or other like governing body of such county is hereby authorized to fix and set aside and designate, by resolution, from time to time, one day out of each week other than Sundays for all courthouse offices and other county offices to be closed.

Section 3. All laws and parts of laws in conflict with this act are hereby expressly repealed.

Section 4. This act shall become effective immediately after its passage and approval by the Governor or its otherwise becoming a law.

Yeas 24; Nays 0.

Yeas:

Messrs:	Farmer	Green	Shelton	
Berryman	Gaither	Kendall	Turner	
Caffey	Givhan	Leonard	Webb	
Clark	Godfrey	Moses	Wilson	
Cooper	Golson	Porter	Word	
Crawford	Graham	Robison	Wyatt	
deGraffenried				—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House accedes to the request of the Senate to return to the Senate for further consideration the following House Bills, and same are returned herewith:

H. 718, H. 19, H. 1113, H. 20, H. 21, H. 1195 and H. 606.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 650. To authorize the governing body of any county of this State having a population of not less than 60,500 nor more than 65,000 inhabitants to create a county planning commission; to permit members of the county governing body, including its presiding officer, to serve on a county planning commission; to provide for the organization, powers, jurisdiction, personnel, and financial and legal status of such commissions; to authorize counties to adopt regulations for the subdivision of land within the county and to provide for their administration through

a county planning commission; to authorize counties to divide the county into districts and within such districts regulate the use of land, the height, bulk, and use of buildings the density of population; to provide for county boards of zoning adjustment and define the authority, powers and functions of such boards, and the procedure and appeals from their decisions; to provide remedies in the enforcement of resolutions and regulations made by counties under the authority of this act; to provide for penalties for violations thereof; and to provide for counties and municipalities to join with other counties or municipalities to create a joint planning commission.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 650, the title of which is set out in the foregoing Message from the House.

SUBSTITUTE FOR S. B. 650

A BILL

TO BE ENTITLED

AN ACT

To authorize the governing bodies of all counties having populations of not less than 60,500 nor more than 65,000, according to the last or any subsequent federal decennial census, to regulate the planning and construction of all public streets, public roads, and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in such counties.

Be It Enacted by the Legislature of Alabama:

Section 1. The governing body of any county having a population of not less than 60,500 nor more than 65,000, according to the last or any subsequent federal decennial census, is authorized to regulate the planning and construction of all public streets, public roads and drainage structures located or to be located in subdivisions of land situated outside the corporate limits of any municipality in such county, including the power to require the filing and posting of a reasonable surety bond with such governing body by the developers of such subdivisions to guarantee the actual construction and installation of such approved proposed public streets, public roads and drainage structures before the sale or offering for sale of any lots from such subdivision to the public. The governing body of any such county may require the developers of all proposed subdivisions of lands situated outside the corporate limits of any municipality in such county to submit the plat of such proposed subdivision to the governing body of such county for approval before such plat is filed for record in the office of the judge of probate.

Section 2. If any such public street, public road or drainage structure is erected, constructed or maintained in violation of the provisions of this Act or any regulations made pursuant thereto, the county may institute appropriate action or proceedings to prevent such unlawful

erection, construction or maintenance, or to require such erection, construction, or maintenance to conform to the regulations prescribed therefor.

Section 3. All laws or parts of laws which conflict with this Act are repealed.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Golson	Moses	Wilson	
Cooper	Graham	Porter	Word	
Crawford	Green	Robison	Wyatt	
deGraffenried				---24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 655. To abolish the Law and Equity Court of Lauderdale County; providing for the transfer of cases now pending in said Law and Equity Court to the Court hereby created and to the Lauderdale County Circuit Court, abolishing the criminal jurisdiction of justice of the peace courts in Lauderdale County, Alabama, and providing for the transfer of criminal cases pending in said courts to the court created by this Act; to create and establish in Lauderdale County a court to be known as the "Lauderdale County Inferior Court"; defining its criminal and civil jurisdiction; providing it with officers, defining their powers, duties, compensation, term of office and the manner of their selection; regulating its procedures and process; prescribing costs and fees therein; to direct the county governing body to furnish quarters, books, forms, stationery, equipment and supplies requisite to the efficient function of the court.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 655, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. B. 655

In Section 5, add at the end thereof the following sentence: The Lauderdale County Inferior Court shall not be considered a court of record.

Also, strike out Section 9 of the bill and insert in lieu thereof the following:

Section 9. The judge of the Lauderdale County Inferior Court must be a resident and qualified elector of Lauderdale County, admitted to the practice of law in the State of Alabama and not less than 23 years of age. The county governing body shall, immediately after this Act becomes effective, and at such times as a vacancy may occur, appoint a qualified person to serve as judge of the Lauderdale County Inferior Court until his successor is elected and qualified as herein provided. A judge of the court shall be elected by the qualified electors of Lauderdale County at the general election in November 1962, and every four years thereafter. He shall hold office for a term of four years from the first Monday after the second Tuesday in January next after his election, and until his successor is elected and qualified. The judge shall be entitled to carry on a general practice of law; provided, however, that he shall not act as attorney in any matter previously heard in this court nor shall he practice criminal law in any court in Lauderdale County, Alabama.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge	
Andrews	Eddins	Hines	Samford	
Archer	Farmer	Jones	Shelton	
Barnett	Gaither	Kendall	Turner	
Berryman	Givhan	Leonard	Webb	
Caffey	Godfrey	Moses	Wilson	
Clark				—24

Nays: —0

FURTHER CONSIDERATION OF REPORT FROM RULES

The Senate proceeded to further consideration of the Report from the Rules Committee relative to H. B. 244.

The question was on the motion of Mr. Dumas that the Senate reconsider the vote by which the motion by Mr. deGraffenried that further consideration of the Report from Rules be postponed to the 36th Legislative day, was lost.

And the motion by Mr. Dumas to reconsider said vote was lost.

MOTION IN WRITING

Mr. Dumas offered the following motion in writing, to-wit:

"The motion to reconsider the motion to carry over to the 36th Legislative Day at 2 o'clock P.M. having become moot—

I move that the substitute motion by Mr. Turner with reference to House Bill 244 be indefinitely postponed.

Dumas"

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and as amended has passed the following Senate bill and returns same herewith to the Senate:

S. 532. To provide further for the supplemental compensation of any circuit judge (who has served continuously for more than twelve years as circuit judge) in any judicial circuit composed of only one county having two circuit judges and a population of not less than sixty thousand five hundred nor more than sixty five thousand inhabitants according to the last or any subsequent federal decennial census; providing for the payment of such supplemental compensation out of the general fund of the county composing such judicial circuit.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Haltom, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 532, the title of which is set out in the foregoing Message from the House.

AMENDMENT TO S. 532

In the title and in the first paragraph of Section 1 of the bill after the words "of any circuit judge" strike out the words "(who has served continuously for more than twelve years as circuit judge)".

Also in the title of the bill after the words "To provide further for the supplemental compensation of any" insert the word "presiding".

Also in the first paragraph of the bill in Section 1 after the words "Beginning with the next term of office of any" insert the word "presiding".

Yeas 24; Nays 0.

Yeas:

Messrs:	Cooper	Givhan	Green
Berryman	Crawford	Godfrey	Haltom
Caffey	deGraffenried	Golson	Kendall
Clark	Gaither	Graham	Leonard

Moses	Shelton	Webb	Word
Porter	Turner	Wilson	Wyatt
Robison			—24

Nays: —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 1276. To name the state vocational trade school located in Montgomery County the "John M. Patterson Trade School."

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Robison
Andrews	Eddins	Hines	Rutledge
Archer	Farmer	Jones	Samford
Barnett	Gaither	Kendall	Shelton
Berryman	Givhan	Leonard	Turner
Caffey	Godfrey	Moses	Webb
Clark			—24

Nays: —0

HOUSE BILLS ORDERED RETURNED TO THE HOUSE

The Senate, having observed the following House bills:

H. B.'s 718, 19, 1113, 20, 606, 21 and 1195

ordered same returned to the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 563. Relating to Lauderdale County: empowering the Court of County Commissioners of Lauderdale County, or other like governing body of the county, to authorize the Sheriff of Lauderdale County to appoint not more than one Secretary to handle stenographic and clerical matters; empowering the governing body of the county to fix the compensation of such secretary in an amount not to exceed a stated sum, and providing for the payment thereof out of the general funds of Lauderdale County.

Also:

S. 564. Relating to Lauderdale County: empowering the Court of County Commissioners of Lauderdale County, or other like governing body of the County to authorize the sheriff of Lauderdale County to employ a cook at the Lauderdale County Jail; empowering the governing body of the county to fix the compensation of such cook in an amount not to exceed a stated sum, and providing for the payment thereof out of the general funds of Lauderdale County.

Also:

S. 565. Relating to Lauderdale County: authorizing and empowering the Court of County Commissioners of Lauderdale County, or other like governing body of the county, to authorize the Sheriff of Lauderdale County to appoint not more than five additional deputy sheriffs in addition to the deputy sheriffs and the Chief Deputy Sheriff now provided by law; empowering the governing body of the county to fix the compensation of such additional deputies in an amount not to exceed a stated sum, and providing for the payment thereof out of the general funds of Lauderdale County.

Also:

S. 531. Relating to every judicial circuit composed of only one county having two circuit judges and a population of not less than sixty thousand five hundred and not more than sixty five thousand inhabitants according to the last or any subsequent federal decennial census; extending the powers, authority and duties of the circuit solicitor of any such judicial circuit so as to empower, authorize and require that such circuit solicitor supervise the prosecution of all misdemeanors to be tried and all felonies to be heard on preliminary in any and all inferior courts located and constituted in the county composing any such judicial circuit; creating the office of deputy circuit solicitor for any such judicial circuit and prescribing the duties of such office; providing for the mode and manner of the appointment of such deputy circuit solicitor and for his compensation, and further providing that such compensation shall be paid out of the general fund of the county composing any such judicial circuit.

Also:

S. 562. Relating to Lauderdale County; providing for the compensation of the Chief Deputy Sheriff for Lauderdale County.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 49. Relative to assistants to Secretary of the Senate and Clerk of the House for six weeks.

Also:

S. J. R. 48. Relative to relieving the Secretary of the Senate, the Clerk of the House, the Secretary of State and the doorkeepers of any responsibility for the Codes, Supplements, Acts, Journals furnished to the members of the Legislature; relieving the Secretary of the Senate and Clerk of the House for legislative payrolls.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 37. To amend Section 4, Title 27, Code of Alabama 1940, which relates to decree, revocation of order, annulments, reports pertaining to adoption of children.

Also:

S. 38. To amend Section 9, Title 27, Code of Alabama 1940, relating to inheritance of a child adopted under laws of a foreign state.

Also:

S. 41. To amend Section 6, Title 27, Code of Alabama 1940, as amended, which relates to adoption by stepfather or stepmother by extending the same procedures to other close relatives.

Also:

S. 47. To amend Section 92, Title 49, Code of Alabama 1940, which relates to license from the department of pensions and security.

Also:

S. 49. To amend Section 66 of Title 49, Code of Alabama 1940 which relates to the authority of the state department of pensions and security to issue licenses to child-caring institutions and agencies.

Also:

S. 52. To amend Section 1 of Act No. 321 of the 1951 Legislature entitled "An Act to provide for the reporting and recording of the name and addresses of persons receiving public assistance in each county and of the amounts received by them and the names, addresses and salaries of all employees of the county board of public welfare and the county department of public welfare; to make it unlawful to use such information for any purpose not directly connected with the administration of public assistance; and prescribing penalties for violations of the Act."

Also:

S. 654. To amend Section 1 of Act No. 382, H. 834, approved September 9, 1955, authorizing and empowering the director of the highway department to issue special permits for the movement of certain oversized vehicles over the public highways of the State (Acts of 1955, p. 916).

Also:

S. 366. Relating to the powers of municipalities; authorizing the use of municipal funds and revenues to promote economic development.

Also:

S. 583. To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public library facilities for lease to the respective municipalities in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a non-foreclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease: to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

Also:

S. 525. To provide for the taking up of neglected, disabled, and

cruelly treated animals; the return of such animals to the owner or keeper, and the payment of expenses thereby incurred.

Also:

S. 662. To fix the compensation or salaries of tax assessors and tax collectors in counties of 500,000 inhabitants, or more, according to the last or any subsequent federal census; and to require such officers to pay in to the county treasury of such county, or counties, all fees, commissions, costs or other emoluments which are now allowed by law.

Also:

S. 4. To authorize and create an additional judge of the Eleventh Judicial Circuit, to be designated circuit judge number two and to provide for his appointment and election, jurisdiction, powers, duties, authority and qualifications, to render him liable to all the pains and penalties of other circuit judges of the State of Alabama, and to provide for and fix the salary of such judge.

Also:

S. 149. To make an appropriation for the support of the Council of State Governments.

Also:

S. 151. To make an appropriation to the South's Regional Advisory Council on Nuclear Energy (RACNE) for the support and operation thereof.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 249. To provide for naming certain bridges by the State Highway Department.

Also:

S. 656. Relating to elections; amending Code 1940, Title 17, Section 172, to prescribe the time for opening and closing the polls on election day.

Also:

S. 180. To amend further Section 213 of Title 13, Code of Alabama 1940, to require registers of the circuit courts to notify the chief justice

of the supreme court that the judge of circuit court will not attend or hold the next session.

Also:

S. 97. To amend Section 428 of Title 13, Code of Alabama 1940, which relates to appeals from convictions in justice of the peace courts and courts of like jurisdiction.

Also:

S. 181. To amend further Section 198 of Title 13, Code of Alabama 1940, in relation to the duties of circuit clerks.

Also:

S. 287. To define and provide for the establishment of Business Trusts; To set out the powers and liabilities of Trustees thereof; To set out the rights and liabilities of the holders of the beneficial interest therein; To set out what provisions may be included in the Declaration of Trust and where same shall be recorded; To provide how Business Trusts may be sued, and how taxed.

Also:

S. 343. To provide for concurrent sentences in criminal cases; amending Code of Alabama 1940, Title 45, Sections 32 and 83, and Act No. 534, S. 353, approved July 9, 1943, Section 1.

Also:

S. 439. Relating to divorce; providing that after divorce the wife shall be barred from using the given name or initials of the husband.

Also:

S. 441. To provide for an additional judgeship of the Tenth Judicial Circuit of Alabama.

Also:

S. 467. To license and regulate the business of selling, issuing or otherwise dispensing checks, drafts, money orders or other instruments for the transmission or payment of money, and the business of receiving money as agent for obligors for the purpose of paying such obligors' bills, invoices or accounts, as a service or for a fee or other consideration; to exempt certain transactions and businesses from the operation of this act; to provide for the administration of this act by the state securities commissioner; to provide for appeals from certain orders of the state securities commissioner to the Circuit Court of Montgomery County and to the Supreme Court of Alabama; and to prescribe penalties for violation of or non-compliance with, this act.

Also:

S. 494. To provide for the transfer of cases to a proper court when a trial court sustains a plea in abatement as to venue.

Also:

S. 606. To amend Act No. 528, S. 396, Regular Session 1957, an act relating to the public schools (Acts of Alabama, Reg. Sess. 1957, vol. II, p. 723).

Also:

S. 289. To amend further Act No. 46, H. 36, Legislature of 1955, Second Special Session, which regulates the sale of eggs and provides for the inspection and grading thereof by amending Sections 1, 6, 7, 8, 11, 12 and 13 of said Act.

Also:

S. 432. To provide for appointment and operation of an advisory committee on state parks, and prescribe its powers, duties and functions.

Also:

S. 433. To regulate further the execution of certain contracts relating to the state park system; amending Code of Alabama 1940, Title 8, Sections 172 and 176.

Also:

S. 136. To authorize the Director of Conservation to enter into agreements of reciprocity with Conservation Commissioners and other proper officials of adjoining states concerning the hunting of waterfowl on waters lying between said states.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 668. To amend Section 3 of Act No. 632, page 1538, Acts of Alabama 1959, Regular Session, entitled "An Act Relating to seafoods; providing for owners of private oyster reefs, beds or bottoms, or lessees thereof, to use mechanical devices, including mechanical rake dredges, at any time, to cultivate and harvest or to remove their live oysters, under certain prescribed conditions."

Also:

S. 669. Relating to oysters; to amend Section 139 of Title 8, Code of Alabama 1940, as last amended, so as to eliminate the three cent (3c) per barrel tax thereon and increase the percentage of oyster shells to be returned to the reefs from thirty per cent (30%) to fifty per cent (50%).

Also:

S. 670. To provide for an annual appropriation of $3,500.00 by the State of Alabama to the Gulf States Marine Fisheries Commission as the State of Alabama's prorated share of the annual operating expenses of said Commission.

Also:

S. 427. To amend Sections 46, 55, 57 and 59 of Title 38 of the Code of Alabama of 1940, which relate to Bar Pilots and Pilotage.

Also:

S. 428. To provide for the compulsory retirement of Bar Pilots licensed and branched by the State Pilotage Commission and to fix the effective age and date of such retirement.

Also:

S. 491. To make an appropriation of funds to finance a poultry and egg research program and to prescribe a method to establish and carry out such a program.

Also:

S. 341. To regulate expense allowances of circuit judges when ordered to hold court or perform official duties outside the respective circuits for which they are elected; amending Code of Alabama 1940, Title 13, Sections 179 and 181.

Also:

S. 345. To require the approval of the Building Commission as a condition to the effectiveness of certain contracts and to prohibit the Building Commission from making any contract for the acquisition or construction of any building or facility without a proper showing that funds are available for the completion thereof.

Also:

S. 401. To provide for the relief of Jack Coggins, of Jefferson County, by making an appropriation to him from the state treasury.

Also:

S. 326. To propose an amendment to the Constitution of Alabama relating to revenue securities issued by or on behalf of any State school

or institution of learning.

Also:

S. 424. For the relief of A. B. Legg and Sons Burial Insurance Company, Inc.

Also:

S. 273. Relating to public works; to provide for the employment of resident workmen and laborers in the construction of public improvements or the execution of public works contracts; prescribing penalties.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 157. To appropriate out of funds in the State Treasury to the credit of the State Health Department Vital Statistics Fund the sum of $87,492.00, or so much thereof as may be necessary, for the purpose of enlarging and equipping the vault of the Bureau of Vital Statistics in the State Office Building, Montgomery, Alabama.

Also:

S. 158. To make an appropriation for each of the fiscal years ending September 30, 1962 and September 30, 1963 to the Armory Commission of Alabama to be used in providing necessary armory facilities for the Alabama National Guard and the Air National Guard units, including the matching of federal funds made available for such purposes and including the alteration, improvement and equipment of armories therefor.

Also:

S. 160. To make appropriations to the Department of Conservation for capital improvements.

Also:

S. 172. To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of $160,000 for the purpose of purchasing and installing a mechanical filing system in the State Department of Public Safety.

Also:

S. 205. To amend Section 115 of Title 41 of the 1940 Code.

Also:

S. 524. To provide that distribution of the two percent (2%) tax levied on the producer of crude petroleum oil or natural gas produced for sale, transport, storage, profit, or for use, from any well or wells in the State of Alabama, pursuant to Section 26 of Act No. 1, approved May 22, 1945, as amended by Act No. 453, approved August 31, 1953, shall be deposited in the State Treasury to the credit of the General Fund; to provide for the transfer of all funds in the State Treasury to the credit of the Oil and Gas Fund as of September 30, 1961 to the General Fund; to repeal all laws or parts of law in conflict with the provisions of this Act; and to provide an effective date therefor.

Also:

S. 572. To appropriate out of any funds in the State Treasury not otherwise appropriated the sum of $10,000.00, or so much thereof as may be necessary, to the Fort Morgan Historical Commission, for the purpose of remodeling and/or constructing certain projects at Fort Morgan.

Also:

S. 200. To provide a family court in and for Madison County for the trial or other disposition of cases and proceedings involving children, marriage, divorce and alimony, desertion and nonsupport, and other domestic or family relations, by establishing a family relations division of the circuit court and providing for an additional circuit judge and other officers and personnel for the administration of such court division.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate bills and returns same herewith to the Senate:

S. 292. To provide that bonds issued by the Tennessee Valley Authority shall constitute legal investments for fiduciaries, savings banks and insurance companies, and may be used as security for deposits of public funds.

Also:

S. 632. Proposing an amendment to the Constitution of Alabama relative to the board of trustees of Auburn University.

Also:

S. 348. To prescribe the salary or compensation of the Commissioner of Agriculture and Industries.

Also:

S. 135. To amend an Act approved February 10, 1956, entitled "An Act to authorize and provide for the planning, designation, establishment, use, regulation, alteration, improvement, maintenance, and vacation of controlled access facilities; defining such terms; providing for the acquisition of lands acquired therefor; the restriction of intersections and control of approaches; the establishment of local service roads; the prohibition of certain acts thereon and provision for penalties therefor; and for other purposes" (Act No. 104, H. B. 148, Acts 1956, p. 148).

Also:

S. 329. To adopt standards and specifications applicable to lighting equipment and special warning devices to be carried by motor vehicles operated by rural mail carriers; further amending Section 25 of Title 36, Code of Alabama 1940 and Section 41 of Title 36, Code of Alabama 1940, as amended, to conform to this Act; and repealing conflicting laws.

Also:

S. 84. To provide for continuous code revision and to appropriate funds for that purpose.

Also:

S. 666. To amend Section 155, Title 8, Code of Alabama 1940, which requires licenses for certain shrimp catchers' boats, so as to reduce the license fee for certain size boats.

Also:

S. 667. To amend Title 8, Section 132, Code of Alabama, which relates to the taking of seed oysters; to impose additional duties upon the Director of the Department of Conservation.

OAKLEY MELTON, JR.,

Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 332. To amend the title and Section 1 of Act No. 221, H. 140, approved August 8, 1955 (Acts of Alabama 1955, vol. I, p. 531), an act relating to the power, authority and jurisdiction of courts pursuant to final judgment upon bail bonds or undertakings in all counties having populations of not less than 63,750 nor more than 72,750.

Also:

H. 334. To amend further Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condem-

nation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in all counties having populations of not less than 63,750 nor more than 72,750 and in all counties having populations of not less than 39,550 nor more than 40,350 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

H. 549. To apply only in those counties having populations of not less than 96,000 nor more than 115,000, according to the latest or any subsequent federal decennial census and to provide further for the disposition of the proceeds of the sale of contraband or forfeited property and the distribution and disposition of the funds realized from such sales.

Also:

H. 1246. To provide a council-manager form of municipal government which, by popular vote, may be adopted and thereafter abandoned in the manner herein prescribed by any city which has a population of not less than 50,000 nor more than 60,000, according to the 1960 or any subsequent federal decennial census; to define the legal status and prescribe the form of government and powers of any city adopting this council-manager form of government; to provide as the governing body of any such city a city council having the powers, duties, and authority and composed of such number of members, elected for the terms, authorized to perform the duties and draw the compensation prescribed in this Act; to provide for the appointment and removal of a city manager and, under certain conditions, of a temporary city manager; to prescribe the city manager's powers and duties and the manner of fixing and paying his compensation; to regulate purchases and contracts of the city; to provide for the adoption of an annual budget for any such city and to require the submission and prescribe the contents of budget estimates; to provide for succession in government of any such city; to provide for the continued existence and functioning of certain independent boards and commissions in the manner prescribed therefor when this form of government is adopted by any such city; and to preserve certain rights and privileges of certain municipal employees under civil service and retirement systems of such city.

Also:

H. 1341. Proposing an amendment to the Constitution of Alabama relative to levying special school taxes for the City of Florence, Lauderdale County.

Also:

H. 1395. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and sup-

plemented; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

H. 1404. To amend an Act of the Legislature, approved September 16, 1947, General Acts of Alabama of 1947, Page 280, entitled "An Act to apply in, and only in, counties which have a population of 400,000 inhabitants, or more, according to the last or any subsequent Federal Census; and to require the payment to each such county of a license tax, in addition to all other taxes and licenses imposed or levied by law, of one cent on each gallon of gasoline sold, distributed, delivered, stored or taken out of storage within such county; and to define gasoline more comprehensively than the ordinary import of such terms; and to provide for the ascertainment, collection, payment and distribution of such license tax and for the enforcement of this act; and to prescribe penalties and fix punishment for the violation of any of the provisions of this act; and to repeal all ordinances of any municipality within such county which imposes or levies any gasoline license tax based upon, or graduated by the number of gallons of gasoline; and to prohibit any such municipality from levying any additional license tax on gasoline based upon the number of gallons sold, distributed, stored, delivered or withdrawn from storage; and to provide the effective date of this act," as amended by Act No. 440, General Acts of Alabama of 1949, page 647, approved August 23, 1949, and as amended by Act No. 496, General Acts of Alabama of 1951, page 882, approved August 22, 1951.

Also:

H. 1419. To alter or rearrange the boundary lines of the City of Abbeville, Henry County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Henry County, Alabama.

Also:

H. 1420. Relating to the times for holding court in the Twenty-sixth Judicial Circuit, repealing Act No. 58, H. 83, Regular Session 1951 (Acts of Ala. 1950-1951, vol. I, p. 276).

Also:

H. 1446. To provide additional compensation for registrars in all counties having populations of not less than 55,000 nor more than 60,000, to be paid from the funds of such counties.

Also:

H. 1498. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge and distributed by him; to prescribe the rate or basis of such division

or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

H. 1502. Relating to the organization, jurisdiction and functions of certain Courts of Morgan County; revising the inferior court system of said county; establishing "The County Court of Morgan County, Alabama", defining its jurisdiction and powers, providing for its officers, their election; terms of office, powers, duties, and compensation, and for costs and fees in such court, abolishing "The Morgan County Court" of Morgan County under the special laws creating it, providing for the transfer of all cases pending in said court to "The County Court of Morgan County, Alabama," and providing for juvenile detention facilities in Morgan County.

Also:

H. 1509. To regulate the compensation of deputy sheriffs in counties having populations of not less than 28,000 nor more than 30,550 according to the last or any subsequent federal decennial census; and providing for the payment thereof.

Also:

H. 1524. To alter, re-arrange and extend the boundaries and corporate limits of the City of Tuskegee in Macon County, Alabama.

Also:

H. 1152. To direct and require the commissioner of revenue and the state department of revenue to collect any sales and use taxes now or hereafter levied in the Town of Camp Hill, Tallapoosa County, Alabama, and its police jurisdiction under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said town; to prescribe the powers, duties and authority of the commissioner of revenue, the state department of revenue, and the comptroller with respect to the method of procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 1492. Relating to the selection of textbooks for use in public schools in counties having populations of 600,000 or more; amending further Section 12 of Act No. 412, S. 261, Regular Session 1945, an act providing for the adoption, selection, purchase and distribution of textbooks (Gen. Acts 1945, p. 647).

Also:

H. 1477. Relating to corporations organized to operate municipal water, sewer, gas, and electric systems; regulating further the compensation of members of boards of directors of such corporations in all counties having a population of not less than 24,600 nor more than 25,300, ac-

cording to the 1960 or any subsequent federal decennial census.

Also:

H. 1484. Authorizing the appointment of juvenile court officers in counties having populations of not less than 49,500 nor more than 50,000, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1482. To permit any bank located in Baldwin County, Alabama, to establish in the municipal limits of Gulf Shores, Alabama, one branch bank, branch agency, additional office, or branch place of business in addition to all other branches, agencies, offices or places of business authorized by law, subject to the approval of the State Superintendent of Banks.

Also:

H. 1517. To provide for temporary commitment of insane persons by the probate judge of Mobile County.

Also:

H. 1516. To authorize and direct the county governing body of Mobile County to pay certain sums as supplementary pension payments to certain employees of the county entitled to retirement pay from sources to which the county has contributed.

Also:

H. 1512. To amend Sections 4 and 5 of Act No. 288 of the 1955 Regular Session of the Legislature of Alabama which relates to the regulation and licensing of barbers and barber colleges, and other like businesses in any County of the State of Alabama having a population of at least 150,000 nor more than 250,000, to creating a barber's Commission for said counties and defining the powers and duties of said barber Commission and providing for an inspector and providing a penalty for the violation of the provisions thereof.

Also:

H. 1434. To alter and rearrange the boundaries of the town of Dora, Walker County, so as to annex certain territory to the town.

Also:

H. 1433. To alter, rearrange, and extend the boundary lines and corporate limits of the city of Linden, in Marengo County, Alabama.

Also:

H. 1479. To amend further Act No. 345, H. 793, approved September 24, 1923 (Local Acts of Alabama, 1923, page 237), which relates

to the election, duties, term of office and compensation of the county superintendent of education of Blount County.

Also:

H. 1511. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Also:

H. 1519. To provide retirement allowances for certain elected officials and former elected officials of Mobile County and certain incorporated municipalities therein.

Also:

H. 1478. Relating to the levy of additional taxes for certain purposes in Lamar County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved by a majority of the qualified voters of said county, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for the collection and enforcement of such taxes by the state department of revenue.

Also:

H. 1528. To authorize the employment of an administrative assistant to the governing body of any county having a population of not less than 48,500 nor more than 49,750.

Also:

H. 1505. To authorize savings and loan associations to open, establish, operate and maintain branch offices in counties having a population of not less than forty-five thousand (45,000) nor more than fifty thousand (50,000) inhabitants according to the last or any subsequent Federal decennial census.

Also:

H. 1503. To extend the boundary lines of the City of Decatur, in Morgan County, Alabama, and to include within the boundaries of said municipality certain additional territory.

Also:

H. 1372. To alter or rearrange the boundary lines of the Town of Robertsdale, Baldwin County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama.

Also:

H. 1506. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the City.

Also:

H. 1407. To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Also:

H. 1495. To alter and re-arrange the boundary lines of the City of Mountain Brook, Alabama so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory in Jefferson County, Alabama, contiguous to said City.

Also:

H. 1527. Authorizing the governing bodies of all counties having populations of not less than 48,500 nor more than 49,750 to provide retirement allowances for certain county employees.

Also:

H. 1487. To provide for the payment of an allowance for the chairman of the board of revenue, court of county commissioners or like governing body of any county having a population of not less than 36,600 nor more than 37,600 inhabitants according to the 1960 or any subsequent federal decennial census.

Also:

H. 1490. To alter, rearrange, and extend the boundary lines and corporate limits of the Town of Fulton, in Clarke County, Alabama.

Also:

H. 1406. To apply in all counties in the State of Alabama having a population of 600,000 or more according to the last or any subsequent federal census, to provide that the governing body of each such county shall have authority to purchase, acquire and maintain two unmarked or undesignated passenger automobiles for official use. Said cars to be serviced by the county and to provide for the payment and expenses of their upkeep; defining violations of the act and prescribing penalties therefor; and repealing act No. 529, H. 1098, approved November 19, 1959, (Acts of Alabama 1959, p. 1304).

Also:

H. 1488. To amend Act No. 661, H. 1077, approved September 20,

1957, an act relating to the creation and establishment of the Madison County Court (Acts of Alabama 1957, vol II, p. 1003) so as to provide further for the appointment of assistant clerks and further for the compensation of the chief clerk, assistant clerks, and the judge of said court.

Also:

H. 1481. To alter, re-arrange, and extend the boundaries and corporate limits of the Town of Gulf Shores in Baldwin County, Alabama.

Also:

H. 1515. To authorize the governing bodies of all counties having populations of not less than 300,000 nor more than 500,000 according to the 1960 or any subsequent federal decennial census, to appropriate county funds for the purpose of providing death compensation comparable and equal to death compensation payable under Article 2, Chapter 5, Title 26, Code of 1940, as amended, for the death of county employees arising out of and in the course of their employment, whether such death occurred prior or subsequent to the effective date of this Act; and to provide for the payment of such compensation.

Also:

H. 1501. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penalties for violations of the Act.

Also:

H. 1510. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering, and in lien of its judgments.

Also:

H. 1529. Relating to the appointment, duties, and compensation of the county treasurer in all counties having populations of not less than 48,500 nor more than 49,750.

Also:

H. 1344. Proposing an amendment to the Constitution authorizing the court of county commissioners, board of revenue, or like governing

body of Bullock County to levy additional license taxes.

Also:

H. 1383. To extend, alter and rearrange the boundary and corporate limits of the city of Union Springs, in Bullock County, Alabama.

Also:

H. 1520. To create the Mobile Area Foundation for Public Higher Education to provide for, promote, and encourage education on a college or university level; to provide for the selection of the members and board of directors of such Foundation; to authorize and direct such board to become a public non profit corporation; to prescribe the manner of effecting such corporation; to authorize and empower the corporation to enter into agreements with certain public educational bodies for the purpose of providing public higher educational facilities for the Mobile area, to transfer property to such educational body for such purposes, to buy, sell, lease and hold land, to accept gifts and bequests for educational purposes, to make contracts, incur liabilities, borrow money, pledge assets and loan funds; and to provide for the perpetual succession of the corporation.

Also:

H. 83. To further amend Act No. 288, approved July 7, 1945 (General Acts of Alabama, 1945, page 478), entitled "An Act To Provide Judicial Officers of the State; to designate them as Supernumerary Circuit Judges; to provide the conditions under which a Judge of the Circuit Court may become a Supernumerary Circuit Judge; to prescribe the qualifications, tenure of office, duties, powers, authority, compensation, and the method of removal from office of such Supernumerary Circuit Judges, and to appropriate funds for the payment of such compensation."

Also:

H. 303. For the relief of L. B. Kilpatrick, contractor; To make an appropriation of State Highway Department funds to compensate such contractor for certain construction work done on Alabama Highway Projects, S-522 (2) Shelby County; and Coffee County S-886, S-887, S-888, S-889.

Also:

H. 350. For the relief of Sisk and Meade, contractors, of Centre, Alabama; making an appropriation of state highway department funds to compensate such contractors for certain construction work done on Alabama highway projects.

Also:

H. 1499. To authorize and make provision for the incorporation in any county having a population of not less than 110,000 nor more than 165,000, according to the last or any subsequent federal decennial census, of an authority as a public corporation for the purpose of acquiring, con-

structing, enlarging, equipping, improving, maintaining, developing and operating airports, heliports, airport buildings and facilities and of constructing, acquiring, establishing, improving, extending, enlarging, reconstructing, equipping, maintaining, repairing and operating buildings, structures and facilities suitable for use as manufacturing plants, industrial plants, retail shopping areas or centers, parks, exhibits, exhibitons or for the conduct of any lawful business, at, upon, or adjacent to any airport, heliport or aircraft landing area owned or operated by such authority and leasing or letting such buildings, structures or facilities; to provide that in order for any such authority to be organized, application be made to the governing body of the county in which such authority is to be organized and to the governing body of at least one municipality therein and that permission for organization of such authority be granted by each such governing body; to provide for the election of the directors and officers of such authority; to specify its powers; to endow such authority with the power of eminent domain; to provide that the county in which any authority has been organized and each municipality which duly authorized the organization of such authority may aid and cooperate in the planning, undertaking, acquisition, construction and operation of airports, heliports and air navigation facilities and may lend, give, donate, sell, convey or transfer to such authority money, property (including existing airports and airport facilities) or any right capable of transfer; to implement such provisions by authorizing such county and each such municipality to issue its general obligation bonds for the purpose of aiding in the planning, undertaking, acquisition, construction and operation of airports and airport facilities of an authority organized pursuant to this act; to provide that no action or suit shall be brought or maintained against such authority or a director thereof for or on account of the negligence of the authority or director or of its or his agent, servants or employees; to authorize the issuance by such authority of interest bearing revenue bonds payable solely out of the revenues of the authority; to specify provisions of said bonds and to declare them to be negotiable instruments; to provide that said bonds may be secured by pledge of any of the revenues of such authority to which its right then exists or may thereafter come into existence and by foreclosable mortgage on any property of such authority whether then in existence and thereafter acquired; to provide that such pledge may be provided for in an indenture between said authority and a corporte trustee or by resolution providing for the issuance of the bonds; to provide that such pledges shall be valid and binding when made and effective against third parties without notice from the time a statement thereof is filed in the office of the judge of probate of the county in which such authority is organized and any other county in which there is located any property, the revenues from which are so pledged; to provide that said authority may include in any indenture or resolution authorizing the issuance of bonds provisions customarily contained in instruments securing evidence of indebtedness; to specify the uses to which the proceeds of said bonds may be put; to authorize the refunding of said bonds; to provide for remedies in the event of any default; to exempt from all taxation the bonds issued by said authority and the income therefrom and the property and income of said authority; to authorize the investment in bonds of the authority any idle funds of the county in which such authority was organized and of each municipality which duly authorized the organization of the authority; to provide that said bonds shall be legal investments for fiduciaries and savings banks and insurance companies; and to authorize the publication of notice of the adoption of the resolution authorizing said bonds and specifying the period of time after such publication within which actions and defenses may be asserted respecting said bonds, pledge and indenture and the proceedings authorizing the same.

Also:

H. 1525. To provide for the establishment and administration of a General Retirement System for County Employees in Jefferson County, Alabama, and for the payment of benefits to the employees and officers of said County; to provide for membership and benefits for present and future employees, excepting, and provided that no person shall be eligible who is a member of or receiving retirement benefits under the provisions of that retirement system created by that certain Act of the Legislature No. 810, page No. 1411, General Acts of Alabama of 1951, approved September 11, 1951, or created by that certain Act of the Legislature No. 551, page No. 766, General Acts of Alabama of 1953, approved September 9, 1953, as amended by that certain Act of the Legislature No. 95, page No. 407, Second Special Session of the Legislature of Alabama of 1956, approved April 14, 1956.

Also:

H. 53. To amend further Section 9 of Title 34, Code of Alabama 1940, in relation to the place or places where marriage licenses may be issued.

Also:

H. 370. To amend Code of Alabama 1940, Title 51, Section 568, in relation to the privilege license payable by itinerant vendors or peddlers.

Also:

H. 82. To amend Sections 364 and 365 of Title 52 of the Code of Alabama of 1940, as amended, which relates to the Teachers' Retirement System.

Also:

H. 4. To provide the sum of $150,000, in addition to all other sums heretofore provided, for the payment of awards by the Board of Adjustment made during the fiscal year ending September 30, 1961.

Also:

H. 15. To appropriate out of any funds in the State Treasury to the credit of the Alabama State Bar Association, the sum of $70,000 for the purpose of erecting and constructing a building for the Alabama State Bar Association.

Also:

H. 180. To amend Sections 3 and 4 of Act 515 approved July 9, 1945, as amended, which relates to the Employees' Retirement System of Alabama.

Also:

H. 24. To authorize the Governor, the Director of Finance, and the Attorney General to become a public corporation to be known as Alabama Building Finance Authority; to provide the procedure for incorporation, to designate the members, directors, and officers of the Au-

thority; to prescribe the powers of the Authority, including the power to provide for the construction, reconstruction, improvement, alteration, and equipment of public office buildings and the acquisition of sites therefor, the power of eminent domain, and the power to sell and issue not exceeding $4,000,000 principal amount of bonds for such purposes; to authorize the issuance of refunding bonds; to provide for the investment of the proceeds from the sale of the bonds of the Authority; to provide that all properties of the Authority and the income therefrom and all bonds issued and the income therefrom and all leases made and all lien notices filed shall be exempt from all taxation in the State of Alabama; to provide that such bonds shall constitute negotiable instruments; to provide that such bonds shall be payable solely out of revenues of the Authority and shall not create an obligation or debt of the State; to provide that any bonds issued by the Authority may be used as security for deposits and investment of public funds and fiduciary funds; to specify the application of the proceeds of the bonds of the Authority; to provide for the construction and equipment of buildings by the Authority; to authorize the conveyance to said Authority of lands owned by the State; to create a reserve fund for the benefit of the bonds of the Authority; to authorize the Authority to pledge such revenues from its facilities as may be necessary to pay the principal of and interest on its bonds; to authorize the filing for record of an instrument reciting the issuance of said bonds and the creation of said pledge as a lien on said revenues which filing will constitute constructive notice; to provide that the State Treasurer shall be the custodian of the funds of the Authority; to provide for the lease to and by agencies, boards, commissions, public corporations, bureaus and departments of the State of Alabama and of the United States, and to private parties, of space for occupancy in said building or buildings; to authorize publication of notice of the resolution authorizing any bonds or pledge and to specify a limitation of time thereafter for actions or defenses respecting said bonds or pledge; and to provide for dissolution of said Authority and conveyance of its assets and properties to the State upon payment of said bonds.

Also:

H. 192. To Amend Section 13 of Title 33 of the Code of Alabama of 1940:

Also:

H. 196. To amend sections 1 & 13 of an act approved September 30, 1947, entitled "An Act Relating to and regulating contracts for public works; and to repeal Chapter 1, Title 50, of the Code of Alabama, 1940, Sections 1 to 15, inclusive" (Act No. 492, H. 778, General Acts of 1947, p. 338), so as to re-define the term "public improvement"; to provide that the advertising requirements of said act shall apply only to contracts involving an amount in excess of five hundred dollars ($500.00); to provide that all contracts entered into in violation of said act shall be null, void and violative of public policy.

Also:

H. 92. To provide for the issuance and use of distinctive flags or distress signals by handicapped or paraplegic drivers of motor vehicles.

Also:

H. 203. To implement the provisions of that certain Constitutional Amendment that was proposed by Act No. 151 adopted at the 1957 Regular Session of the Legislature of Alabama and that authorizes the State to engage in works of internal improvements by promoting, developing, constructing, maintaining and operating along navigable streams and waterways of Alabama all manner of docks and facilities of every kind, in aid of commerce and use of waterways of the State, and to incur indebtedness and issue bonds for said purpose; to authorize the State to engage in such works of internal improvement at an additional cost of not exceeding $1,500,000; to designate the Alabama State Docks Department and any department or agency of the State that may succeed to its functions as the Agency to undertake, manage, operate and control such developments and improvements; to prescribe the powers, duties and authority of said department in connection therewith; to authorize the State to become indebted to the extent of no exceeding $1,500,000 in principal amount to carry out the provisions of this Act and to issue its interest bearing direct general obligation bonds therefor; to prescribe in general the terms of such bonds and the method and manner of the sale and issuance thereof; to exempt the same and the interest thereon from taxation; to provide for the payment for any indebtedness evidenced by bonds issued pursuant to this Act and to pledge the full faith and credit of the State to the payment of such indebtedness; to provide for the refunding of any bonds issued under the said Constitutional Amendment; to provide for investment of the proceeds of any bonds issued hereunder and other funds received under this Act, pending the need for such funds; to provide for the use of funds obtained from the operation of improvements constructed with proceeds of any bonds issued under the provisions of said Constitutional Amendment; to make appropriation for payment of the principal of and interest on bonds issued under the said Constitutional Amendment from the General Fund of the State; to provide for the acquisition of property for the purposes of this Act and for the exercise of the power of eminent domain with regard thereto; to prescribe the powers and duties of the Governor, the said Department and other officers of the State in carrying out the provisions of this Act; to authorize the said Department to fix and collect reasonable rates and charges for services rendered by, and for use of, facilities established pursuant to this Act; and to require the maintenance of records of the total cost of, the gross revenues from, and the expenses of operating, each unit of development acquired, constructed, or operated pursuant to the provisions of this Act or Act No. 311 adopted at the 1957 Regular Session of the Legislature or Act No. 98 adopted at the 1959 Regular Session of the Legislature; and to provide that surplus revenues derived from operation of the state docks facilities at the Port of Mobile may be used to meet operating deficits of the facilities constructed under said Constitutional Amendment.

Also:

H. 91. To appropriate out of any funds in the state treasury to the credit of the General Fund, not otherwise appropriated, the sum of Twenty-five Thousand Dollars ($25,000) to the Department of Conservation, Division of State Parks, Monuments and Historical Sites, to be used only for the purchase of lands for the development and restoration of the Fort Toulouse Site in Elmore County, Alabama, and to provide for the lease, sale, swap, exchange, transfer or other disposition of such lands to to the United States Government without consideration if the United States Government will recognize said property as a historic site or national monument and will assume the management, control and operation

of the Site after so recognizing same as a historic site or national monument.

Also:

H. 231. To permit the State Geologist and the Assistant State Geologist to teach courses at the University of Alabama which are related to the study of geology. To regulate the time during which such teaching shall be permitted and to provide compensation for same. To provide from what funds such compensation shall be paid and the conditions under which it shall be paid. To permit faculty members and students of any institution of higher learning in the State of Alabama to do research and other related work for the State Geological Survey or the State Oil and Gas Board. To limit the time during which such research work may be conducted. To provide compensation for such work, the funds from which same shall be paid and the conditions and regulations under which such research work may be done. To provide an effective date for this act.

Also:

H. 323. To amend Code of Alabama 1940, Title 48, Section 5, to provide that congressional redistricting shall not serve to disqualify public service commissioners even though two or more commissioners may be residents of the same congressional district.

Also:

H. 298. To provide supernumerary circuit court reporters for the State of Alabama; prescribing their duties; setting up their requirements and qualifications; fixing their compensation; status and tenure of office; and making an appropriation to pay their salaries.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1375. To establish a merit system for the City of Decatur; to provide a policy for the administration of this act; to divide positions in the city into classified and exempt services, and to provide for changes between such services; to provide a status for present employees, personnel

rules and personnel plans of the city; to provide for the organization of the Personnel Board of the city, to establish the qualifications of its members and the duties they will perform; to provide for the adoption, amendment and repeal of rules, regulations, job classification plans and pay plans to effectuate the purposes of this act; to provide for the employment of persons with and without competitive examination; to provide for temporary appointments and the manner in which they shall be made permanent; to provide for the establishment of lists of persons eligible for employment and to establish the manner in which such lists shall be used; to establish a period of probation for certain city employees; to provide for rules governing working hours and leaves of absence; to provide for the laying-off of employees; to establish the manner in which employees may be disciplined and to provide a procedure under which certain employees may protest such disciplinary action; to give the Personnel Board the authority to require the attendance of witnesses and the production of documents at such proceedings and to establish penalties for failure to attend or produce records as required; to require such Board to maintain certain records; to prohibit political activity by certain employees of the city; to provide for the expenses of such Board; and to guarantee certain rights to the governing body of the city and to repeal conflicting laws.

Also:

H. 1340. Relating to Crenshaw County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admisssion fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Also:

H. 21. To make an appropriation for the support and maintenance of the Alabama Vocation School for Girls.

Also:

H. 88. To exclude certain municipal privilege licenses from gross sales, or gross receipts, in the computation of State Sales Taxes (Act No. 100, H. 94, approved August 18, 1959, Acts 1959, vol. I, p. 298).

Also:

H. 278. To provide for liens by registered veterinarians to aid in the collection of their charges, and for the enforcement thereof.

Also:

H. 376. For the relief of Martin McCrory.

Also:

H. 623. To exempt certain religious publications from the use tax levied under the provisions of Article 11, Chapter 20, Title 51, Code of Alabama 1940.

Also:

H. 696. To amend Section 470 of Title 37 of the Code of Alabama of 1940 so as to clarify the provisions of the said section with respect to the powers of municipalities to own, construct, maintain and lease buildings and other improvements on and near wharves and wharf sites and so as to change the period of time for which leases may be made under said section.

Also:

H. 714. To amend further Act No. 376, S. 280, Regular Session 1947 (Acts of Alabama 1947, page 267), an act authorizing and empowering certain governing bodies and agencies to contract for, obtain and maintain policies of group life, health, accident, and hospitalization insurance, and insured retirement plans for certain of its officers and employees in order to authorize and empower the board of directors of any county or municipal hospital to provide such insurance and retirement plans for its officers and agencies.

Also:

H. 713. To further amend Section 99, Title 21, Code of Alabama of 1940.

Also:

H. 1015. To exempt from the computation of the taxes levied by Section 2 (a) of the Act of the Legislature of Alabama approved August 18, 1959, the gross proceeds received from the sale or furnishing of food, soft drinks, tobacco products, stationery and all other similar and or related articles by the Hospital Canteens operated by Alabama State Hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

Also:

H. 1398. To amend further Section 11 to Title 27, Code of Alabama 1940, to provide that the judge of probate shall make a report to the board of registrars of the result of proceedings to legitimate bastard children.

Also:

H. 1408. To amend Section 23 of Act No. 929 S. 676 approved September 12, 1951 (General Acts of Alabama, 1951, page 1579) entitled "An Act to create or provide in or for each and every city of the State of Alabama having a population of two hundred and fifty thousand or more inhabitants according to the last or any succeeding federal census, a pension and relief or retirement and relief system for officers and employees of such city and their widows and children; to make the provisions of such system retrospective as well as prospective; and, subordinately, to define officers and employees of the board of health of any county in which any such city may be located as officers and employees of such city for the purpose of retrospective and prospective application of the terms or provisions of such system."

Also:

H. 1431. To make an appropriation of highway department funds for relief of Mrs. Clyde McLean Wilson, of Clarke County.

Also:

H. 486. To define further the term taxable sales as used in sales and use tax laws, providing that parts taken from stock to make repairs covered by warranty shall not be subject to sales and use taxes.

Also:

H. 679. To make an appropriation for the relief of Dothan Lincoln-Mercury Company, Ltd.

Also:

H. 669. To provide for assessment and collection of ad valorem taxes on motor vehicles; amending further Code of Alabama, 1940, Title 51, Section 704.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested:

H. 28. Relating to the furnishing of operating record by Director of Public Safety and the cost thereof, and amending Section 3 of Act No. 704, General Acts of Alabama 1951, as approved September 5, 1951.

Also:

H. 744. To propose an amendment to the Constitution of Alabama authorizing the State of Alabama to assist in the erection, construction and equipping of hospitals, health centers, and related medical facilities within the State; and to that end to authorize the Governor of Alabama to issue and sell negotiable interest-bearing bonds in the amount not to exceed $2,000,000 in addition to the bonds heretofore authorized; and to provide for the prompt and faithful payment of the principal and interest on such bonds and for the retirement thereof; and to order an election by the qualified electors of the State of Alabama upon such proposed amendment to be held the First Tuesday after the expiration of three months from and after the final adjournment of the regular session of the Legislature.

Also:

H. 1065. Relating to counties having populations of not less than 40,000 nor more than 45,000 inhabitants; to direct the county governing body to adjust the compensations of certain county officers.

Also:

H. 1069. To require, authorize and empower the governing body of all counties in this State, having a population of not less than 300,000 nor more than 500,000 by the last Federal census or by any succeeding Federal census, to levy and collect an excise, license or privilege tax on cigarettes and on every person, firm, corporation, club or association within the county, who or which sells or stores or consumes or receives for the purpose of distribution, cigarettes, and to prescribe the rate thereof; to require, authorize and empower the governing body of such counties to prescribe the method and provide for the collection of such tax; and to provide for the disposition of the revenues derived therefrom.

Also:

H. 1070. To repeal Act No. 55, H. 279, approved June 10, 1949, entitled "To require, authorize and empower the governing body of all counties in this State, having a population of not less than 140,000 nor more than 400,000 by the last Federal census or by any succeeding Federal census, to levy and collect an excise, license or privilege tax on cigarettes and on every person, firm, corporation, club or association within the county, who or which sells or stores or consumes or receives for the purpose of distribution, cigarettes, and to prescribe the rate thereof; to require, authorize and empower the governing body of such counties to

prescribe the method and provide for the collection of such tax; and to provide for the disposition of the revenues derived therefrom." (Acts of Alabama 1949, page 79).

Also:

H 1081. To further amend restrospectively Section 22 of Act No. 929 of the Legislature of Alabama of 1951, relating to cities having a population of four hundred and fifty thousand inhabitants according to the last or any succeeding federal census.

Also:

H. 43. To provide for a scholarship program for education in the field of library science; authorizing the use of funds available to the Alabama Public Library Service under the State Plan pursuant to the federal "Library Services Act" as amended, for awarding such scholarships.

Also:

H. 1067. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing Mobile County under certain conditions to issue its general obligation bonds not exceeding $1,737,000 in principal amount for various capital improvements in said county, said bonds to be additionally secured by a pledge of the special ad valorem tax provided for in Amendment XVIII to said constitution, as amended, authorizing the continued levy and collection of said tax for payment of said bonds, providing that none of the bonds which are payable out of said tax or for which said tax is pledged shall be chargeable against the limitation on indebtedness of said county contained in Section 224 of the constitution, and specifying certain details pertaining to said bonds and the sale thereof.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1229. To establish the position of official host and guide for Baldwin County at Fort Morgan; to prescribe his duties and provide for

his compensation by Baldwin County; and to appoint Hatchett Chandler to such position.

Also:

H. 1234. To provide an expense allowance to members of the court of county commissioners, board of revenue or like governing body of all counties having a population of not less than 25,500 nor more than 25,700 according to the 1960 or any subsequent federal decennial census.

Also:

H. 1243. To increase the number of trustees of Cahaba Historical Commission and fix their terms; amending Section 1 of Act No. 486, H. 765, approved July 9, 1943.

Also:

H. 1275. To declare the public policy of the State with respect to violation of Section 420, Title 14, Code of Alabama (1940) as amended by an Act approved August 17, 1951, and as further amended by an Act approved July 24, 1953, in Counties in Alabama having a population of not less than 150,000, nor more than 250,000 inhabitants according to the last or any subsequent Federal decennial census; to determine and declare that prosecution and the impositions of criminal penalties is inadequate to prevent violations and that the remedy at law to enforce the same is inadequate in such Counties; to declare that habitual violations of the statute constitutes a legal nuisance in such Counties; to provide certain exemptions; to prevent unfair competition among merchants and shopkeepers by reason of violations of said statute as amended in such Counties; to provide for means and procedure and to prescribe evidentiary presumptions for the enforcement thereof by injunction and to confer jurisdiction for enforcement upon courts having equity jurisdiction in such Counties; to render the provisions of this Act severable; to declare the date on which the Act shall become effective.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 899. Relating to counties having a population of not less than

16,150 nor more than 17,250 inhabitants; to authorize county governing bodies to provide for payment of expenses of certain county officers.

Also:

H. 1027. To amend further Section 11 of Title 19, Code of Alabama (1940), which relates to the appointment of commissioners in condemnation proceedings; requiring the judge of probate to appoint the members of the county board of equalization to serve as commissioners in any condemnation proceeding where the county is a party to such proceeding, in all counties having populations of not less than 63,750 nor more than 72,750, and in all counties having populations of not less than 39,550 nor more than 40,350 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1163. To Amend Sections 4, 6, 8, 9, 23, 28, 29 and 33 of an Act entitled An Act "To Establish a Law and Equity Court for Lauderdale County, to define its jurisdiction and powers; to provide for trial tax and other fees; to provide that said court shall be open at all times for the trial of cases and transaction of business; prescribing rules and procedure for said court; to provide for an official court reporter for said court and fix his compensation, and to provide for the transfer of causes now or hereafter pending in the County and Circuit Court of Lauderdale County, Alabama, to the Law and Equity Court; to abolish the County Court of Lauderdale County, and the office of Deputy Solicitor for Lauderdale County," approved May 29, 1931, as amended by Act approved July 7, 1947, and as further amended by Act approved May 30, 1951.

Also:

H. 1168. To provide for the City of Muscle Shoals, Alabama, a civil service system governing the appointment, removal, salaries, tenure, and official conduct of employees of the police department, and City Clerk's office of the city; defining violations of the Act, and imposing penalties for violations.

Also:

H. 1245. To authorize, direct and require the commissioner of revenue to collect any sales and use taxes now or hereafter levied by the City of Brewton, Escambia County, Alabama under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of said city: and to prescribe the powers, duties and authority of the commissioner of revenue, the state department of revenue and the state comptroller with respect to the method or procedure for collecting such taxes and remitting the proceeds thereof.

Also:

H. 1268. To provide for a program of tax equalization of all real property in any county of the state having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal decennial census; to more fully define the duty, authority and responsibility of the Tax Assessor of such counties in the matter of

equalizing assessments of real property within such counties; to provide for the division of such counties into districts for the purpose of tax assessment records; to require that certain records be kept and maintained on a current basis by the Tax Assessor of such counties; to describe the manner in which such records are to be kept; to provide a time within which the equalization program required herein is to be initially completed; to provide for a continuous program of appraisal of real property within such counties; to provide for the assessments of improvements to real property within such counties; to prescribe penalties for failure to assess, or properly assess, improvements to real property within such counties; to prohibit the remittance of any such penalties except as provided for by this Act; to provide for the publishing of reports of the progress of the carrying out of the provisions of the Act; to provide for a portable set of assessment records for use by appraiser appointed by the Tax Assessor; to define the duties of the Board of Equalization in such counties in the matter of the equalization of assessments of real property; to provide that no outstanding obligations against the proceeds of any tax derived from assessments of real properties in such counties shall be impaired by the provisions of this Act; to provide for appeals of any assessment made by the Tax Assessor or ruling of the Board of Equalization of such counties; to provide for the necessary personnel, supplies, materials, and equipment to carry out the provisions of this Act and to provide the manner in which personnel are to be appointed in such counties; to provide for the severability of the provisions of the Act; to repeal all laws or parts of laws in conflict with the provisions of this Act.

Also:

H. 1346. Relating to the levy of additional taxes for certain purposes in Clay County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

H. 1352. To provide expense allowances for county superintendents of education of all counties having populations of not less than 31,000 nor more than 32,000.

Also:

H. 1354. To provide additional revenue for educational purposes and for general county revenue purposes in Winston County; authorizing the court of county commissioners, board of revenue, or like county governing body, to levy, when approved at a referendum election, special county privilege license and excise taxes similar to state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and in Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; specifying sales and transactions that are exempt from the tax; specifying property, the use, storage or other consumption of which is exempt from the excise tax; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

H. 1359. For the relief of John T. Lancaster, authorizing and requiring the county governing body of Tuscaloosa County, Alabama, to make an appropriation from the county treasury to compensate the said John T. Lancaster for certain damages.

Also:

H. 1362. To prohibit the taking of fish from the public waters of counties having populations of not less than 36,600 nor more than 37,600, with hoop and fyke nets, gill nets, trammel nets, or any other kind of commercial fishing gear except setlines, trotlines, and snaglines.

Also:

H. 1363. To amend Section 2 of an act of the Legislature of Alabama being Local Act No. 102 approved June 3, 1943, page 59 of the Local Acts of 1943, entitled: "To authorize the Sheriff of Mobile County, Alabama, to select and appoint an attorney to advise and counsel him on the operation of such office and to handle all legal matters pertaining to said office; to provide for the manner of the appointment of such attorney, the term of office of such attorney; to provide for the salary of such attorney and the method of payment of such salary."

Also:

H. 1365. Relating to the City of Mobile, Alabama; to provide for the creation of the Mobile Tree Commission, to provide for the membership of such Commission, and the method of appointment and term of such commissioners; to provide the officers of the Commission; to provide the powers, duties and obligations of the Commission; to provide that no person shall cut, trim, or in any way damage any tree in any street right-of-way in the City of Mobile without prior written approval by the Commission; to provide that any violation of this Act shall be a misdemeanor and to provide the penalty for such violation and to provide for appeal from the decisions of the Commission.

Also:

H. 1366. To alter, rearrange, and add to the limits of the City of Saraland, Alabama, and to alter and rearrange the limits of the City of Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama and adding same to the limits of the City of Saraland, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Saraland, Alabama.

Also:

H. 1374. To authorize the board of trustees of the district tuberculosis sanatorium of District Number One to bargain, sell and convey certain real property.

Also:

H. 1376. To prohibit the exercise of corporate or governmental

functions in Morgan County by municipal corporations whose corporate limits do not lie within or extend into and embrace territory lying within the county.

Also:

H. 1377. To define, regulate and license barbers and barber colleges, and other like businesses in Morgan County; to create a Barbers Commission for said county; to fix the powers and duties of said Commission; and to provide a penalty for the violation of the provisions hereof.

Also:

H. 1378. Relating to counties of not less than 57,000 nor more than 61,500 inhabitants according to the 1960 or any subsequent federal decennial census; providing for payment of an expense allowance to the probate judges of such counties.

Also:

H. 1379. To amend further Section 3 of Act No. 199, H. 603, approved July 24, 1947 (Local Acts 1947, p. 113), an act to create and establish in Limestone County a court known as "The Limestone County Court," in relation to special judges who serve in the absence of the judge of the court.

Also:

H. 1380. To create the office of commissioner of licenses in counties in Alabama having a population of not less than one hundred thousand (100,000) people and not more than one hundred fifteen thousand (115,000) people, according to the last and any subsequent decennial Federal census; to prescribe the powers, duties, and authority of the commissioner; to provide for the appointment of such commissioner, the fixing of his salary, and the furnishing of quarters, supplies, and assistants to him; to transfer to such officer the duties of the probate judge relative to the issuance of licenses and the distribution of motor vehicle license tags, the duties of the tax assessor and tax collector, respectively, relative to assessing and collecting ad valorem taxes on motor vehicles, and all the duties of the license inspector of such county; to relieve the above named officer of the duties so transferred; and to prescribe the manner in which certain of the duties hereby imposed on the commissioner of licenses shall be prescribed.

Also:

H. 1381. To provide for official court reporters in all circuit courts in all counties in the State of Alabama having a population of not less than 100,000 nor more than 115,000 inhabitants according to the last preceding or any subsequent federal decennial census; to fix the duties and status and authority of such court reporters; and to provide for the appointment of such court reporters by each circuit judge in such counties and to provide for the compensation and salary of such court reporters.

Also:

H. 1382. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Also:

H. 1384. To provide for the appointment, duties, qualifications, term, compensation and assistant of the coroner in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

Also:

H. 1386. To amend Act No. 10, H. 61, Regular Session 1911, an act requiring the commissioners' court of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 11).

Also:

H. 1387. To amend Act No. 7, H. 62, Regular Session 1911, an act requiring the board of education of Elmore County to publish the minutes of its proceedings (Local Acts of Alabama 1911, p. 8).

Also:

H. 1388. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

Also:

H. 1389. To amend Act No. 482, H. 839, Regular Session 1953, an act establishing the Elmore County Court (Acts 1953, vol. I, p. 600).

Also:

H. 1385. Relating to Elmore County; levying a license tax on persons and others engaging in selling tangible personal property at retail and on persons and others conducting places of amusement in said county, the said tax to be measured by the gross receipts or gross proceeds of such businesses; levying an excise tax on the storage, use or other consumption in said county of tangible personal property purchased for use, storage or other consumption in said county; specifying sales and transactions that are exempt from the measurement of the said license tax; specifying property the use, storage or other consumption of which is exempt from the said excise tax; providing for payment of said taxes, making reports and maintaining records with respect thereto, the collection of the said taxes, and the enforcement of the provisions of this act; making applicable to the taxes herein levied, and adopting by reference, certain provisions of Act No. 100 adopted at the 1959 Second Special Session of the Legislature of Alabama and of Article 11 of Chapter 20 of Title 51 of the Code of Alabama, as amended; providing that the Commissioner of Revenue and the State Department of Revenue shall have all powers and duties respecting the taxes herein levied and the collection thereof that they have under said Act No. 100 and said Article 11, as amended as aforesaid; providing for collection of said excise tax by sellers registered under Section 790 of Title 51 of the Code

of Alabama of 1940, as amended; providing that the said license tax shall be added to the sales price or admission fee and passed on to the purchaser or person paying the said admission fee; providing for a discount to persons subject to the said license tax and to such registered sellers; providing for a charge by the State Department of Revenue for collecting the taxes herein levied; and providing for the use of the revenues from said taxes.

Also:

H. 1390. To impose extra, new, and additional duties upon the members of the court of county commissioners, board of revenue, or other like governing body of Elmore County, and to provide additional compensation for the performance of such duties.

Also:

H. 1391. To alter, rearrange and extend the boundary line and corporate limits of the municipality of the Town of Reform in Pickens County, Alabama.

Also:

H. 1392. To amend Act No. 132, H. 112, approved September 21, 1959, an act regulating further the taking of catfish in Pickens County by the use of baskets, providing for the payment of a privilege license tax for such use of baskets (Acts of Alabama 1959, vol. I, p. 654), so as to allow the use of revenues derived from the sale of such licenses for improving public parks in the county in addition to present uses.

Also:

H. 1393. To further amend Act No. 273, S. 292, approved August 7, 1947 (1947 Local Acts, p. 196), which is designated "The Civil Service Act of Dothan", as last amended by Act No. 154, approved September 21, 1959.

Also:

H. 1396. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31 and 32, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 1403. To provide for and authorize the introduction in evidence in any court in Alabama, when relevant and material, certified copies of hospital records of any hospital organized or operated under or pursuant to the laws of Alabama, or of the United States of America, including U. S. Veteran Hospital, located in Alabama Counties of more than 600,000 population, including records of admission, medical, clinical, hospital, occcupations, disease, injury and disability histories, X-rays and written interpretations thereof, pictures, photograph, charts, files, written orders, directions, findings and reports of physicians, doctors, sur-

geons, pathologists, radiologists, specialists, dentists, technicians and nurses, as well as all employees of such hospital, forming a part of such hospital records, as to the health, physical and mental condition, state, injury, disabilities, sickness, disease, mental and physical and nervous condition and disorder, duration and character of such ailments and disabilities, and the diagnosis, prognosis, progress, operations, incisions, contusions, concussions, wounds, cuts, lacerations, bruises, breaks, examinations, tests, transfusions, hospitalization and duration thereof, medication, medicines, supplies, treatment, and care and the charge sheets and the costs, expenses, fees and charges therefor and thereof, as to and of a patient in said hospital, and when the custodian of such hospital records certifies and affirms in writing that the hospital was operated or organized under or pursuant to the laws of Alabama or of the United States of America, including U. S. Veterans Hospitals, located in Alabama Counties of more than 600,000 population, and that the same are a true and correct copy of such hospital records; with the proviso that all circumstances of the making of such hospital records, including lack of personal knowledge by the entrant or maker, may be otherwise shown to affect the weight of such hospital records but that this shall not affect their admissibility; and to provide for the costs and taxing and collection thereof for said copies and certificates and affirmance in writing thereto and the filing of said copies with the Clerk or Register of the Court having jurisdiction of the suit or proceeding, and to provide for subpoena duces tecum therefor.

Also:

H. 1409. To apply to counties having a population of 500,000 or more according to the last or any subsequent federal census; to provide for a study of judicial practice and procedure and court operation in such counties; to establish and provide for the composition of a "Commission for Court Study"; to state the powers, authority and duties of such commission; and to provide for the financing of the work of the commission.

Also:

H. 1410. To provide that in any county of the State of Alabama having a population of 600,000 or more according to the last or any succeeding federal census, it shall be unlawful for any person licensed to sell malt beverages but not licensed to sell liquors to have in his possession or under his control at his place of business covered by the beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the state; to provide that it shall be unlawful for the agent, servant or employee of any such beer licensee to have in his possession or under his control at the place of business covered by said beer license any alcoholic beverages or liquors not properly stamped as required by the laws of the state; to provide that any beverages or liquors found at any such place of business of a beer licensee in violation of the foregoing provisions shall be contraband and shall be subject to condemnation in the manner provided for in this act, and to provide a penalty for violating this act.

Also:

H. 1412. To further define the jurisdiction of all statutory inferior courts, other than those created in lieu of justices of the peace, in all counties having populations of 500,000 or more, according to the last or

any subsequent federal decennial census.

Also:

H. 1413. To require the probate judge of any county having a population of 500,000 or more inhabitants, according to the 1960 or any subsequent federal decennial census, to furnish the board of registrars of such county photostatic copies of declarations acknowledging paternity.

Also:

H. 1414. To Amend Act No. 343 of the Legislature of Alabama of 1953, approved August 17, 1953 (Acts of Alabama of 1953, Page 404, et seq.)

Also:

H. 1415. To provide that members of the board of trustees or board of managers of any pension system established for the employees, or any class of employees, of any county of the state having a population of 400,000 or more according to the last or any subsequent federal census shall be protected from personal liability to the state, county or any individual for their official acts where such acts are in reliance upon the written opinion of the county attorney for such county.

Also:

H. 1422. To supplement the state salary payable to circuit judges by payments from the county treasury in all judicial circuits composed of only one county which has a population of not less than 110,000 nor more than 150,000, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1429. To provide further for selection of textbooks for use in certain schools in all counties having populations of not less than 65,000 nor more than 95,000, repealing conflicting laws.

Also:

H. 1432. To authorize, direct, and require the court of county commissioners, board of revenue, or like governing body of any county having a population of not less than 19,500 nor more than 20,000, according to the most recent federal decennial census, to cover the employees of the county under the Workmen's Compensation Act.

Also:

H. 1435. Relating to the levy of additional taxes for educational purposes in Covington County; authorizing the court of county commissioners, board of revenue, or other like governing body of the county to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as pro-

vided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes when levied by the state department of revenue.

Also:

H. 1447. For the relief of A. F. Harvey and Alice G. Harvey, a co-partnership, doing business as Mobile Bonding Company, of Mobile, Alabama.

Also:

H. 1462. To provide for the compensation to be paid certain officers by counties having a population of 600,000 or more according to the last or any succeeding decennial federal census.

Also:

H. 1463. Providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1464. To amend the title and also the body of Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, pages 366, et seq.)

Also:

H. 1466. To establish, subject to the conditions stated in this title and in the act, in each city of the state having a population of 300,000 or more, according to the last or any succeeding federal census, a pension and relief or retirement and relief system for firemen and policemen who are members of any pension and relief or retirement and relief system heretofore established or hereafter establishd under Act No. 929 of the Legislature of Alabama of 1951, approved September 12, 1951 (Acts of Alabama of 1951, page 1579, et seq. as amended) and on whose account or for whose benefit the city by which they are employed makes no contribution or pays no tax to the United States of America under the Federal Social Security Act; to provide that the act shall not be operative in any such city so long as there is operated, or maintained, in the city the pension system provided for by Act No. 556 of the Legislature of Alabama of 1959, approved November 19, 1959, and to provide, further, that if and when any such pension system provided for by said Act No. 556 for any reason is not operated and maintained in the city this act shall become operative in the city; to provide for the creation and maintenance of a fund for the administration of the pension system hereby created; to provide for paying into the fund certain amounts to be deducted from the salaries of the members of the said pension system and to provide also for paying into the said fund contributions by the city matching the deductions from the salaries of the members of the said system; to provide certain disability benefits for such firemen and policemen and also certain benefits for the widows and children of any

such firemen or policemen who die; to make provision for a supplemental retirement benefit for such firemen and policemen, if and when said Act No. 929 is amended as stipulated in this act; to provide that from the fund of the system established by this act certain payments shall be made to the fund of the system established by said Act No. 929, subject to said Act No. 929 being amended so as to authorize the board of managers of the system created by said Act Number 929 to receive said payments; to establish a board of managers for the pension system hereby created and to provide for the method of selection of the said board and to define the power, authority and duties of the said board of managers; to provide for the actuarial study, investigation and report showing the probable ability or inability of the fund hereby created to meet the benefits provided for by the system created by this act; to provide for paying from funds of the system expenses incurred in securing any such actuarial study, investigation and report; to provide that at times specified in the act the board of managers of the pension system established by the act shall present to each member of the House of Representatives and to the member of the Senate of the Legislature of Alabama residing in any county or senatorial district wherein there is established any pension system provided for by this act the report and survey of a competent actuary stating his opinion as to the ability of the funds and resources of the said system to meet the benefits provided, which said report or survey shall give such opinion separately and severally with respect to each of the said benefits, and which said report or survey shall contain the opinion of the said actuary as to whether he considers any change in the benefits necessary in order to assure solvency of the fund, and if so, what changes he considers necessary.

Also:

H. 1473. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1474. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

Also:

H. 1475. To authorize the county governing body of any county having a population of 10,800 inhabitants or less, according to the 1960 or any subsequent federal decennial census, to provide a clerk-hire allowance for the office of clerk of the circuit court.

Also:

H. 1476. To provide for the expenses of the county superintendent of education in any county having a population of 10,800 inhabitants or less according to the 1960 or any subsequent federal decennial census; and to provide that the provisions of this act shall be retroactive to July 1, 1961.

Also:

H. 1364. Regulating the practice of barbering; prescribing the terms upon which licenses may be issued to practitioners of barbering, including students and apprentices; regulating barber shops, barber schools and instructors; providing for the appointment of a County Board of Barber Commissioners, and defining the duties of said Board; prescribing fees; defining certain misdemeanors and providing penalties for violation thereof in all counties having a population of not less than 300,000 nor more than 500,000 inhabitants according to the last or any subsequent federal decennial census.

Also:

H. 1049. To propose an amendment to the Constitution relative to the levy and collection of a special property tax for educational purposes in the city of Muscle Shoals.

Also:

H. 1360. To propose a constitutional amendment relative to levying additional taxes in Jackson County for acquiring, constructing and maintaining a vocational trade school and for rural and industrial development of the county.

Also:

H. 1469. To propose a constitutional amendment relative to levying additional taxes in Franklin County for public school purposes.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 742. Relating to Tallapoosa County; providing for the compensation and allowances of the county superintendent of education; repealing Act No. 100, H. 442, approved June 28, 1957 (Acts 1957, vol. I, p. 137).

Also:

H. 1472. Relating to the operation of boards of equalization of all counties having populations of not less than 150,000 nor more than 250,000 according to the most recent federal decennial census.

Also:

H. 1456. To propose and provide for the submission of an amendment to the constitution of Alabama providing for the levy and collection by Mobile County of a special tax, not exceeding three mills on each dollar of taxable property in the county, for public hospital purposes; providing for elections on the levy of the tax and, after a specified period on the discontinuance of the tax or reduction of its rate; providing for disposition of the proceeds from the tax; authorizing Mobile County Public Hospital Board, a public corporation, to anticipate the proceeds from the special tax by issuance of its securities and to make pledges with respect thereto; providing that any securities issued by the said corporation shall not constitute debts of Mobile County within the meaning of Section 224 of the Constitution or bonds of said county or of a political subdivision thereof, within the meaning of Section 222 of the constitution; providing for reduction of the rates of taxation permitted by the constitution to Mobile County and the municipalities therein when the special tax is being levied and collected; and prohibiting under certain conditions appropriations to said corporation by Mobile County and the municipalities therein.

Also:

H. 893. To regulate the compensaton and allowances of members of the jury commission and the clerk of the jury commission of counties having populations of not less than 34,000 nor more than 35,500, according to the 1960 or any subsequent federal decennial census.

Also:

H. 1040. To amend Act No. 83, H. 427, Regular Session 1957, an act relating to the compensation of the coroner of Tallapoosa County (Acts of Ala. 1957, vol. I, p. 124).

Also:

H. 1461. To further amend Act 661 House Bill 978 approved September 4, 1951 which was amended by Act No. 17 of the Legislature during the second extra session in 1956 as reported in Acts of the said Session at Page 276 and approved March 16, 1956 which act and amendment thereto defines and regulates the issuance of license of barbers, barbershops, barber colleges and other like business and establishes a barber commission in all counties in the State having a population of 400,000 or more according to the last and any subsequent federal census and establishing an inspector, grant powers to the barber commission to make rules and regulations.

Also:

H. 895. To regulate the compensation and allowances of jurors and bailiffs in counties having populations of not less than 34,000 nor more than 35,500.

Also:

H. 480. To amend further Section 713, Title 51, Code of Alabama 1940, which relates to the distribution of motor vehicle and trailer license tax funds.

Also:

H. 1192. To alter, rearrange and extend the boundary lines and corporate limits of the town of Newton in Dale County, so as to annex certain territory to the town.

Also:

H. 1457. To specify the character and size of the public hospital facilities with respect to which items of expenditure may be included in annual budgets prepared pursuant to the provisions of the Constitutional Amendment proposed by that certain Act adopted at the 1961 Regular Session of the Legislature that was introduced in the said Legislature as H. B. 1451.

Also:

H. 160. To repeal Act No. 343, H. 540, approved June 30, 1943, an act relating to the issuance of building permits and applying in certain counties classified on a population basis (Gen. Acts 1943, p. 324).

Also:

H. 1077. To repeal Act No. 343, H. 540, approved June 30, 1943, an act relating to the issuance of building permits and applying in certain counties classified on a population basis (Gen. Acts 1943, p. 324).

Also:

H. 1397. To alter, rearrange and extend the boundaries of the City of Montgomery, Alabama, so as to include within the corporate limits thereof certain additional territory located in Sections 29, 30, 31, 32 and 33, all in Township 17 North, Range 18 East, Montgomery County, Alabama.

Also:

H. 1454. To authorize any county having a population of more than 300,000 and less than 500,000 according to the last or any subsequent federal census and any municipality located wholly or partly within any such county to make appropriations of moneys and transfers of property to or for the benefit of any public hospital corporation now or hereafter organized under Act No. 211 adopted at the 1945 Regular Session of the Legislature of Alabama, Act No. 46 adopted at the 1949 Regular Session of said Legislature, or Act No. 63 adopted at the 1957 Regular Session of said Legislature; to authorize agreements between any such county or municipality and any such public hospital corporation whereunder such corporation will agree to make available hospital space to inhabitants of the municipality or county, and whereunder the municipality

or county will agree to make monthly or annual payments to such corporation of either specified sums or a portion of any deficit in the corporation's annual budget; to provide that any amounts payable by any such county or municipality under any such agreement may be made payable solely from current revenues received during the fiscal year in which such amounts are payable; and to provide that any appropriations made hereunder and any payments provided for in any such agreements shall be deemed revenues of the public hospital corporation receiving them within the meaning of said Act No. 211 and said Act No. 46 and any other applicable statute, and may be pledged as security for obligations of the public hospital corporation pursuant to the provisions of said statutes.

Also:

H. 1453. To amend Sections 3, 4 and 6 of Act No. 46 adopted at the 1949 Regular Session of the Legislature of Alabama so as to permit the governing body of any county having a population of more than 300,000 and less than 500,000 according to the last or any subsequent federal census to require, in the resolution consenting to the organization under said act of a public corporation for hospital purposes, (a) that the board of directors of such public corporation shall consist in part of directors elected by the governing body of the county and in part of directors elected by municipalities in the county that fall within population classifications specified in the said resolution, (b) that the number of the said directors and their terms of office shall be as specified in said resolution, (c) that the said public corporation shall accept the transfer to it and assume the assets, properties, obligations and liabilities of any incorporated or unincorporated public board or body, designated by the said governing body in said resolution, that may have been theretofore organized or attempted to be organized in the county for public hospital purposes; and (d) that upon the happening of any contingency specified in said resolution, the directors of the said public corporation shall thereafter be elected, in specified number and for specified terms, by the governing body of the county from persons nominated in the manner provided in said resolution; so as to provide that the certificate of incorporation of any public corporation organized pursuant to authorization in any resolution containing any of said requirements shall comply with the said resolution and that any such public corporation when organized shall comply with the provisions of the said resolution respecting the transfer and assumption of assets, properties, contracts, obligations and liabilities; and so as to permit the governing body of any such county to provide in the said resolution that any director of a public corporation organized pursuant to said resolution may be a member of the governing body that elects him as director.

Also:

H. 1451. To propose and provide for the submission of an amendment to the Constitution of Alabama authorizing and directing Mobile County Public Hospital Board, a public corporation, to prepare a budget for each fiscal year setting forth certain anticipated expenditures and receipts of the said public corporation and to apportion any deficit in said budget among Mobile County and each municipality therein having a population of more than 1,000 according to the last federal census or any subsequent official census; providing that any assessments so made shall constitute debts of said county and said municipalities collectible by the said public corporation by suit or action but shall not constitute debts of the said county and municipalities within the meaning of Sections 224

and 225 of the said constitution; providing that if a special ad valorem county tax for public hospital purposes shall be voted in Mobile County, the power of the said public corporation to make and collect such assessments shall terminate within a specified period thereafter; authorizing the legislature by local or special legislation and without compliance with Section 106 of the constitution to specify the character and maximum capacity of the hospital facilities with respect to which any budget may be prepared by the said public corporation under said amendment; providing that the requirements of the said amendment and of any such local or special legislation respecting the facilities covered thereby shall terminate upon termination of the power of the said public corporation to make and collect said assessments; validating all actions of Mobile County Hospital Board created and provided for by Act No. 105 adopted at the 1955 Regular Session of the Legislature of Alabama, as amended; providing for and validating the transfer by the latter board of all of its assets, contracts, properties, obligations and liabilities to the said public corporation and the assumption of all thereof by the said public corporation; providing for the dissolution of the said board created and provided for in the said Act No. 105, as amended; and providing that bonds and other securities issued by the said public corporation shall not be deemed to constitute debts of Mobile County within the meaning of Section 224 or debts of any of said municipalities within the meaning of Section 225 of the Constitution and shall not constitute bonds of said county or a subdivision thereof within the meaning of Section 222 of the constitution.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 375. To require all county officers on a salary basis in counties having a population of three hundred thousand (300,000) or more according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged

for by them growing out of the performance of their official duties.

Also:

S. 379. To repeal Act No. 498, H. 328, approved July 6, 1945, entitled "To require all county officers on a salary basis in counties having a population of one hundred forty thousand (140,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for them growing out of the performance of their official duties." (Acts of Alabama 1945, page 725).

Also:

S. 380. To require all county officers on a salary basis in counties having a population of three hundred thousand (300,000), or more, according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perquisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for them growing out of the performance of their official duties.

Also:

S. 383. To repeal Act No. 281, H. 559, approved August 11, 1947, entitled "To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of over 140,000 and less than 400,000, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust estates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; and to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and cost of court for the performance of the duties authorized by this act. (Acts of Alabama 1947, page 140).

Also:

S. 384. To confer on the Probate Courts in all counties of this State, which now have or may hereafter have a population of over 300,000 and less than 500,000, according to the last or any subsequent Federal census, general equity jurisdiction, concurrent with that of the Circuit Courts, in Equity, of this State in the administration of the estates of deceased persons, minors and insane persons, including testamentary trust es-

tates; and to confer on the judges of such Probate Courts the same powers and authority which Judges and Registers of the Circuit Courts of this State now have in connection with the administration of such estates in the Circuit Courts, in Equity; to provide for the pleading, practice and procedure in such matters, and for the enforcement of judgments and decrees and for appeals to the Supreme Court from the orders, judgments and decrees of such courts; and to provide for the compensation of the judges of such courts, including the assessment and collection of fees, commissions and cost of court for the performance of the duties authorized by this act.

Also:

S. 389. To repeal Act No. 429, H. 659, approved September 25, 1947, entitled "To require the tax assessor of counties having a population of not less than 140,000 and not more than 400,000 inhabitants as shown by the last or any succeeding federal census, in addition to such duties as are now required of him by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor of such counties on account of such extra duties." (Acts of Alabama 1947, page 311.)

Also:

S. 390. To require the tax assessor of counties having a population of not less than 300,000 and not more than 500,000 inhabitants as shown by the last or any succeeding federal census, in addition to such duties as are now required of him by law, to act in an advisory capacity to the county board of equalization, and to investigate complaints as to assessments and make reports thereon to said board, and to provide for additional compensation of the tax assessor of such counties on account of such extra duties.

Also:

S. 405. Relating to cities having a population of not less than 175,000 nor more than 250,000, according to the last or any subsequent federal decennial census; fixing the compensation of the members of the city commission, council, or like governing body of any such city.

Also:

S. 416. To provide further for the purging the lists of registered voters in Chambers County; requiring and prescribing the procedure for the re-identification of registered voters; placing certain duties on the board of registrars, judge of probate, and the county governing body relative to the re-identification of registered voters; and providing a penalty for willfully making a false statement in connection with re-identification.

Also:

S. 445. To fix the compensation of the sheriffs of all counties having populations of not less than 100,000 nor more than 115,000, according to the 1960 or any subsequent federal decennial census.

Also:

S. 453. To amend Section 339 of Title 62, Code of Alabama 1940, as amended, relating to the judges of the Fifteenth Judicial Circuit of Alabama (Montgomery County).

Also:

S. 460. To repeal Act No. 455, H. 975, General Acts of Alabama, 1949, page 659, providing for an action of ejectment to recover possession of real property sold under a title retained agreement of sale in counties having a population of not less than 140,000 nor more than 300,000, as amended by Act No. 327, H. 876, General Acts of Alabama 1957, page 431.

Also:

S. 461. To provide in all counties in this State having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent Federal Census, for an action of ejectment to recover possession of real property sold under an agreement of sale whereby title to said real property is retained until full payment of the purchase price is made when default has been made in the payments provided for by such agreement of sale; to provide for the redemption of such property; to provide that said action shall not apply to real estate on which buildings and improvements are not located on the date of said agreement; and to provide that any such agreement of sale covering such improved real property may be cancelled and annulled when the purchaser has defaulted in the payments due by such agreement for a period of ninety (90) days by written notice to the purchaser either served on him personally or by registered mail of such default and cancellation.

Also:

S. 463. To repeal Act No. 563, S. 427, approved July 6, 1943 (Acts of 1942-1943, p. 561) and any and all other acts amendatory of said Act No. 563, which provides for an assistant for county coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent federal census.

Also:

S. 464. To repeal Act No. 733, S. 543, approved September 20, 1957, (Acts of 1957, vol II, p. 1153), which fixes the compensation of the coroner in all counties having a population of not less than 140,000 nor more than 300,000 according to the last or any subsequent federal decennial census.

Also:

S. 465. To prescribe the compensation of coroners in all counties having a population of not less than 300,000 nor more than 500,000, according to the last or any subsequent decennial Federal census, and the method of payment thereof; to provide an assistant for such coroners to be known as the Coroner's Physician, and to provide for his appointment, qualifications, compensation, allowances and method of payment thereof.

Also:

S. 478. Relating to all cities in the State of Alabama having a population of not less than 60,000 people nor more than 70,000 people, according to the last or any succeeding regular federal decennial census; providing for a special referendum in any such city for the purpose of giving the qualified electors of the city an opportunity to express themselves for or against the participation by such city in an Urban Renewal Project; authorizing an expenditure from general funds of such municipality to pay the cost of such election; and authorizing expenditures from the general fund of such city to pay the cost of any election heretofore held prior to the adoption of this act; and approving prior expenditures for such elections which have been heretofore held.

Also:

S. 480. To alter, rearrange and extend the boundaries and corporate limits of the Town of Camden, Wilcox County, Alabama, so as to annex certain territory to the Town.

Also:

S. 481. To alter and rearrange the boundaries of the town of Camden, Wilcox County, so as to annex certain territory to the town.

Also:

S. 483. To repeal Act No. 166, H. 443, approved June 21, 1945, an act relating to the creation of redevelopment agencies in certain counties classified on a population basis (Gen. Acts 1945, p. 254).

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Joint Resolutions with the original Senate Joint Resolutions, respectively, and finds same correctly enrolled, to-wit:

S. J. R. 48. Relieving the Secretary of the Senate and the Clerk of

the House of responsibility for the Codes, Supplements, Acts, Journals and approved legislative payrolls.

Also:

S. J. R. 49. Allowing the Secretary of the Senate and the Clerk of the House additional clerks, for six weeks.

HUGH MOSES,

Chairman.

SIGNING OF SENATE JOINT RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing Senate Joint Resolutions; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 55. To authorize a program of medical assistance for persons 65 years of age and over not receiving old age pensions.

Also:

S. 106. To amend further Section 201 of Title 15, Code of Alabama 1940, in relation to the surety bond required by persons engaged in the business of making bail bonds.

Also:

S. 156. To make additional appropriations to the state institutions for the mentally ill and the mentally deficient for the two fiscal years ending September 30, 1962 and September 30, 1963, such appropriations to be paid from the Alabama Special Mental Health Fund.

Also:

S. 300. To amend Title 22, Section 199, Code of Alabama 1940, as amended, which relates to care and treatment of tubercular patients.

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 144. To appropriate funds to the Department of Pensions and Security for salaries, expenses, operation and management for welfare purposes for the fiscal years ending September 30, 1962 and September 30, 1963.

Also:

S. 173. To appropriate from any funds in the State Treasury to the credit of the General Fund the sum of $300,000 for the purpose of erecting, constructing and equipping a training building for the State Department of Public Safety.

Also:

S. 174. To amend further Section 10 of Act No. 585 entitled "An Act To create a Department of Public Safety; to provide for the appointment by the Governor of the Director thereof; to provide for the salary of said Director, and that said salary may be fixed by the Governor; to authorize the creation of divisions within said department and the appointment under the provisions of the Merit System of the chiefs of said divisions and other employees; to prescribe the duties and powers of the Director of the Department of Public Safety, and to enumerate the laws which said Director shall administer and enforce; to provide for the disposition of costs, fees and mileage of Highway Patrol officers when attending courts; to provide for the police powers possessed by members of the State Highway Patrol; to provide for the payment of the compensation of officers, agents and employees of the Department of Public Safety and to provide for the payment of expenses for necessary equipment; to create a fund in the State Treasury to be known as the State Public Highway and Traffic Control Fund, and to prescribe the monies which shall be paid into said fund; to require that expenditures of the Department of Public Safety shall be limited to amounts appropriated by the Legislature out of the State Public Highway and Traffic Control Fund; to provide for the liability of members of the State Highway Patrol on their official bonds; to prescribe an arrest fee for Highway Patrol officers, and the payment of said fee into the State Public Highway and Traffic Control Fund; to provide that any unencumbered balance in the State Public Highway and Traffic Control

Fund at the end of any two year drivers' licensing period shall be paid into the Public Road and Bridge Fund of the Highway Department; to require the State Comptroller to record the source of funds paid into the State Public Highway and Traffic Control Fund; to authorize the Department of Public Safety to promulgate rules and regulations having the force and effect of law and to provide for a penalty for the violation thereof; to transfer all monies or funds in the Highway Patrol Fund to the State Public Highway and Traffic Control Fund, and to authorize any appropriation heretofore made from said Highway Patrol Fund to be paid out of the said State Public Highway and Traffic Control Fund; and to provide for the effective date of this Act," approved September 11, 1953, as amended by Act No. 44, approved June 7, 1955.

Also:

S. 184. To amend Sections 647 and 649 of Title 51, Code of Alabama 1940, as heretofore amended, relating to the excise tax on gasoline, so as to provide that the gasoline tax on certain fuels consumed in boats or vessels be paid into the "Water Safety Fund" and "Seafoods Fund."

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 376. To amend Title 17, Section 27 of the Code of Alabama of 1940 as amended relative to special registration.

Also:

S. 377. To repeal Act No. 186, H. 344, approved July 2, 1953, entitled "To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of 150,000 or more according to the 1950 or any succeeding Federal decennial census," (Acts of Alabama 1953, page 238).

Also:

S. 378. To provide an additional and alternative method of assessing, paying taxes on and issuing license tags for motor vehicles, in counties having a population of 300,000 or more according to the last or any subsequent Federal census.

Also:

S. 385. To repeal Act No. 185, H. 570, approved June 23, 1945, entitled "An Act Providing, in all counties having a population of not less than 140,000 and not more than 400,000 population according to the last or any subsequent federal census, for the preparation by the board of registrars of lists of registered voters, the correction of such lists, and the certification of such lists to the Judge of the probate court in all cases where any new precinct, voting district or ward is created or divided by any county, city or town; Providing for the calling of the board of registrars into session; Providing for the publishing of the lists of such voters; Providing for the alteration of the records in the office of the probate judge to conform to the lists; Providing for the employment and the fixing of salaries of all necessary clerks or assistants of the board of registrars and the payment of all expenses incurred in connection with this act; Fixing the salaries of the members of the board of registrars and providing for their payment; Providing that all provisions of this act shall be independent and separable; Repealing all laws or parts of laws in conflict herewith, and fixing the effective date of this act." (Acts of Alabama 1945, page 313).

Also:

S. 386. An Act providing, in all counties having a population of not less than 300,000 and not more than 500,000 population according to the last or any subsequent federal census, for the preparation by the board of registrars of lists of registered voters, the correction of such lists, and the certification of such lists to the judge of the probate court in all cases where any new precinct, voting district or ward is created or divided by any county, city or town; Providing for the calling of the board of registrars into session; Providing for the publishing of the lists of such voters; Providing for the alteration of the records in the office of the probate judge to conform to the lists; Providing for the employment and the fixing of salaries of all necessary clerks or assistants of the board of registrars and the payment of all expenses incurred in connection with this act; Fixing the salaries of the members of the board of registrars and providing for their payment; Providing that all provisions of this act shall be independent and separable; Repealing all laws or parts of laws in conflict herewith, and fixing the effective date of this act.

Also:

S. 495. To amend Act No. 488, General Laws of Alabama, approved September 10, 1957, Acts of 1957, p. 675, entitled, "To fix the time for opening and closing the polls at certain elections held in counties which now have or which may hereafter have a population in excess of 500,000, according to the last or any subsequent federal decennial census."

Also:

S. 498. To provide that in all counties having populations of not

less than 55,000 nor more than 60,000 inhabitants according to the 1960 Federal Decennial Census or any subsequent Federal Decennial Census of the United States, the governing body of the county may transfer to the sheriff any supervision and control it has over county convicts.

Also:

S. 506. To repeal Act No. 89, H-161, approved April 14, 1956, Page 385, Acts of Alabama, Special Sessions 1956, entitled "An Act relating to rivers, streams and public impounded waters of any county having a population of not less than thirty-one thousand nor more than thirty-five thousand according to the last or any subsequent federal decennial census: To authorize the director of conservation to zone such waters and designate the zones or areas thereof in which speed boats may be used or operated and the zones or areas for fishing, to prescribe safety rules and special rules and regulations governing the use and operation of boats and governing fishing in such waters, and to employ a safety patrolman to enforce such rules and regulations; to prescribe the duties of such safety patrolman; and to prescribe his salary."

Also:

S. 511. To provide further for selection of textbooks for use in junior and senior high schools in counties having populations of not less than 150,000 nor more than 300,000; amending Section 12 of Act No. 412, S. 261, Regular Session 1945.

Also:

S. 513. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Also:

S. 514. To alter the corporate limits of the City of Tuscaloosa, Alabama, and to rearrange and define the boundaries thereof.

Also:

S. 515. To repeal Section 56 of Title 17, Code of Alabama 1940, which relates to meetings of, clerical assistants for and the salary or compensation of the members of the boards of registrars in counties having populations of more than 300,000.

Also:

S. 516. To repeal Act No. 171, H. 441, approved June 17, 1943, entitled, "An Act to provide for the disposition, in all counties of this State which, according to the last Federal census, or any subsequent Federal census, having a population of 300,000 or more of all fines, forfeitures and costs which hereafter may be paid by any person or persons convicted in any court of competent jurisdiction in such counties of violations of the rules and regulations promulgated by the State Highway Commission concerning the operation of motor vehicles upon the highways of this State, and of violations of the Alabama Highway Code, where the persons thus convicted have been arrested by the Sheriff,

or his deputies, or by any other county or municipal law enforcement officer, qualified to make such arrests in such counties," (General Acts of Alabama 1943, p. 157).

Also:

S. 517. To repeal Act No. 668, H. 760, approved October 8, 1947, entitled, "An Act to provide for the registration of voters and purging registration lists in counties having a population of 300,000 or more according to the last or any subsequent federal census; and to provide for the compensation of the chairman and members of the Board of Registrars in such counties; and to provide for employment of clerical or secretarial employees under the provisions of the county Merit System Act," (General Acts of Alabama 1947, p. 509).

Also:

S. 526. To Amend Act No. 111, H. 419, approved June 30, 1955 (Acts of Alabama, 1955, p. 356), entitled "An Act To fix the salary of the tax collector of Mobile County, and to regulate the payment thereof."

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 13. To repeal Act No. 271, H. 674, approved October 9, 1959, entitled, "An Act relating to the establishment, construction, reconstruction, repair, and maintenance of roads and bridges in all counties having a population of not less than 41,000 nor more than 47,000, according to the last or any subsequent federal decennial census; providing for a referendum election to determine whether the state or the county will have and exercise jurisdiction, supervision, and control over county roads and bridges" (Acts of Alabama 1959, vol. I, p. 835).

Also:

S. 15. Relating to counties having a population of not less than

fourteen thousand four hundred (14,400) nor more than fourteen thousand nine hundred (14,900) inhabitants according to the 1960 or any subsequent decennial census of the United States; providing for the compensation of members of jury commissions in such counties.

Also:

S. 16. To repeal Act No. 139, H. 435, approved September 21, 1959, entitled, "An Act to regulate the compensation of members of the county board of education in counties having a population of not less than 14,000 nor more than 16,000 inhabitants according to the 1950 federal decennial census" (Acts of Alabama 1959, vol. I, p. 660).

Also:

S. 17. Relating to counties having a population of not less than 14,400 nor more than 14,900 inhabitants according to the last or any subsequent decennial census of the United States; authorizing the establishment by banks within such counties of branch banks within the county, subject to the approval of the Superintendent of Banks.

Also:

S. 18. To repeal Act No. 606, H. 974, approved September 15, 1953, entitled, "An Act relating to counties having a population of not less than 18,200 nor more than 18,600 inhabitants according to the last or any subsequent decennial census of the United States; authorizing the establishment by banks within such counties of branch banks within the county, subject to the approval of the Superintendent of Banks" (Acts of Alabama 1953, vol. II, p. 862).

Also:

S. 19. To repeal Act No. 741, S. 670, approved September 5, 1951, entitled, "An Act to provide that in all counties having a population of not less than 13,500 nor more than 15,500, the Board of County Commissioners, Board of Revenue, or other like governing boards may designate one or more State or National Banks as the County Depository" (Acts of Alabama 1951, vol. II, p. 1293).

Also:

S. 20. To repeal Act No. 574, H. 580, approved August 30, 1951, entitled, "An Act relating to counties having populations of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census; authorizing the governing body of any such county to provide for the appointment by the sheriff of a deputy sheriff in addition to all other deputies provided by law" (Acts of Alabama 1951, vol. II, p. 1012).

Also:

S. 21. To repeal Act No. 423, H. 581, approved August 15, 1951, entitled, "An Act relating to counties having populations of not less than fourteen nor more than sixteen thousand inhabitants according to the last or any subsequent federal census; authorizing the governing body

of any such county to provide for the employment of a deputy clerk in the office of the Clerk of the Circuit Court" (Acts of Alabama 1951, vol. I, p. 757).

Also:

S. 22. To repeal Act No. 644, H. 1098, approved September 20, 1957, entitled, "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than twelve thousand five hundred nor more than fifteen thousand, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. II, p. 975).

Also:

S. 23. To repeal Act No. 385, H. 730, approved September 4, 1957, entitled, "An Act relating to municipalities having a population of not less than 3,325 nor more than 3,350, according to the last or any subsequent federal decennial census; providing further for the public health and safety in such municipalities; prohibiting any person to build, maintain, or use a privy, or to own any building which does not have screened doors and windows, in such municipalities; and providing for the installation of water closets, septic tanks, and screens, and for the connection of such water closets with such septic tanks or the municipal sewerage system, by the municipality, and for the assessment of the cost thereof against the owner, in the event the owner fails to make such installation or connection, or to screen such doors and windows" (Acts of Alabama 1957, vol. I, p. 513).

Also:

S. 24. To repeal Act No. 264, H. 548, approved August 16, 1957, entitled, "An Act to fix the compensation of the county solicitor, deputy solicitor, or deputy circuit solicitor of all counties having a population of not less than 14,000 nor more than 16,000, according to the last or any subsequent federal decennial census" (Acts of Alabama 1957, vol. I, p. 339).

Also:

S. 197. To amend Section 1 of Act No. 291, H. 621, approved August 16, 1957, the act requiring the state department of revenue to collect any sales and use taxes levied in the city of Haleyville, Winston County, under the provisions of any ordinance or resolution duly promulgated and adopted by the governing body of that city (Acts of Alabama, Regular Session 1957, vol. I, p. 369).

Also:

S. 198. To provide for the election of school trustees in Winston County, fix their terms of office, and prescribe their qualifications.

Also:

S. 228. To amend the title and Section 1 of Act No. 153, H. 449, approved June 30, 1953 (Acts of Alabama 1953, vol. I, p. 195), regulating

and fixing the minimum salary of firemen and policemen in certain cities classified on a population basis.

Also:

S. 229. To amend the title and Section 1 of Act No. 112, H. 380, approved June 19, 1951 (Acts of Alabama 1951, vol. I, p. 337), providing for the name, number and designation of the governing body of certain cities classified on a population basis; providing for the selection of employees in all such cities and prescribing the authority of the governing body of such cities with respect to such employees; providing for the distribution of the powers and duties of and among the members of the governing body of each such city; and providing for their compensation.

Also:

S. 233. To repeal Act No. 498, S. 616, approved August 30, 1949, entitled "An Act To provide for the name and number of members of the governing body of all cities in the State of Alabama having a population of not less than 50,000 people nor more than 78,500 people, according to the last or any succeeding regular decennial Federal Census; to provide for the designation of the members of the governing body of all such cities; to provide that in all primary and general elections for nomination or election of members of the governing body in such cities, each such position to be filled shall be designated separately and shall appear separately on all ballots in such elections; to provide that each candidate for nomination or election in such election shall designate the position to which he is seeking nomination or election; to provide the manner in which the names of candidates shall appear on ballots in such elections; and to repeal all laws or parts of laws, general, local or special, in conflict with the provisions hereof." (Acts of Alabama 1949, p. 723).

Also:

S. 234. To amend further Act No. 379, H. 786, approved July 9, 1943 (Acts of Alabama Regular Session 1943 and Special Session 1942, p. 349), an act to establish a Policemen and Firemen's Retirement Fund in certain cities classified on a population basis; to provide for such fund, its sources, management, and administration; to provide for a Board of Trustees and Secretary-Treasurer thereof for such fund; to provide for the retirement and reinstatement of active or retired members of such departments and payment of benefits provided for hereunder; to provide for payment of benefits to widows and orphans, and widowed mothers of such members; and to provide for appeals from rulings of the Board of Trustees.

Also:

S. 235. To amend the title and Section 1 of Act No. 501, S. 619, approved August 30, 1949, providing that the employees of any water works board or other board, public corporation or commission created or appointed by the governing bodies of certain cities classified on a population basis shall be covered by the terms of any city retirement system in effect at the time of creation of such board, commission or corporation (Acts of Alabama 1949, p. 726).

Also:

S. 236. To amend further Act No. 671, H. 921, approved September 4, 1951 (Acts of Alabama 1951, vol. II, p. 1158), creating and establishing a civil service system to govern the appointment, tenure, compensation, conditions of employment, and removal of certain officers and employees in such cities.

Also:

S. 294. Proposing an amendment to the Constitution of Alabama relative to the levying of a special tax on property for educational purposes in school district number one, Randolph County.

Also:

S. 315. To repeal Act No. 224, H. 585, approved July 23, 1953, entitled, "An Act to regulate the payment of compensation of fire wardens in counties having a population of not less than 19,000 nor more than 20,000 inhabitants, according to the last or any subsequent federal decennial census" (Acts of Alabama 1953, vol. I, p. 291).

Also:

S. 317. To repeal Act No. 58, H. 276, approved June 18, 1959, an act relating to the compensation of members of the county board of education in certain counties classified on a population basis (Acts of Alabama 1959, vol. I, p. 463).

Also:

S. 318. To repeal Act No. 128, H. 490, approved July 8, 1955, an act relating to the disbursement of certain gasoline tax moneys received from the State for the establishment and maintenance of county roads and bridges in certain counties classified on a population basis (Acts of Alabama 1955, vol. I, p. 377).

Also:

S. 319. To repeal Act No. 53, H. 259, approved June 17, 1957, entitled, "An Act to apply in but only in counties having a population of not less than 19,200 inhabitants, nor more than 20,200, according to the last or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue or like governing body of such counties, by whatever name called or designated, to fix the compensation of deputies sheriff," (Acts of Alabama 1957, vol. I, p. 96).

Also:

S. 320. To repeal Act No. 415, H. 773, approved August 27, 1953 (Acts of 1953, vol I, p. 516), which provides for the compensation of members of the jury commission in counties having a population of not less than 18,000 nor more than 20,250 inhabitants according to the 1950 or any subsequent decennial census.

Also:

S. 321. To repeal Act No. 242, H. 639, approved September 30, 1959, entitled "An Act regulating further the insuring of the property of public hospitals in all counties in this State having a population of not less than 19,200 nor more than 20,200, according to the last or any subsequent federal decennial census," (Acts of Alabama 1959, vol. I, p. 803).

Also:

S. 322. to regulate the compensation of members of the county board of education in counties having a population of not less than 18,800 nor more than 19,500 inhabitants according to the last or any subsequent federal decennial census.

Also:

S. 336. Relating to powers of county governing bodies of counties having populations of not less than 62,000 nor more than 92,000, according to the 1960 or any subsequent federal decennial census; authorizing appropriations of county funds to provide ambulance service for the sick and infirm.

Also:

S. 396. To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 150,000, and not exceeding 300,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken.

Also:

S. 397. To repeal Act No. 396, S. 550, approved August 16, 1949, entitled "To provide for the proportion of contribution by counties and incorporated municipalities therein to the budget of a county health department in all counties in this State having a population exceeding 100,000, and not exceeding 140,000 inhabitants, according to the latest Federal Census, or which shall hereafter have such population, according to any such census that may hereafter be taken." (Acts of Alabama 1949, page 567).

Also:

S. 448. Relating to the powers of the Board of Revenue of Lowndes County; authorizing the board to appoint its clerk and fix his compensation; repealing Section 5 of an act approved December 17, 1894, as amended, which provides that the clerk of the circuit court of the county shall be ex officio clerk of the Board of Revenue.

Also:

S. 449. To amend Act No. 681, H. 1076, Regular Session 1957, an act relating to the compensation of members of the court of county commissioners, board of revenue or other like governing body of Lowndes County (Acts of Alabama 1957, vol. II, p. 1029).

Also:

S. 450. To repeal Act No. 161, S. 25, Regular Session 1959, entitled "An Act relating to the public schools of Lowndes County; authorizing the county board of education to impose and provide for the collection of tuition charges or fees for the attendance of pupils at such schools" (Acts of Alabama 1959, vol. 1, p. 686).

Also:

S. 374. To repeal Act No. 456, H. 836, approved July 6, 1943, entitled "To require all county officers on a salary basis in counties having a population of one hundred and forty thousand (140,000), or more according to the last or any subsequent Federal census to pay into the county treasury all fees, cost, commissions, and perequisite derived from said offices or monies charged, or collected by them by reason of any official act or for the performance of any service connected directly or indirectly with said offices and to prescribe that the salary fixed by law shall be the sole and only compensation received by such officers for the performance of the duties of their office or any act or service charged for by them growing out of the performance of their official duties." (Acts of Alabama 1943, page 418).

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

BILLS ON THIRD READING RESUMED

The Bill:

H. 1523. To regulate further the construction, operation and maintenance of public high schools in St. Clair Cunty.

Was read a third time at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	Dumas	Haltom	Rutledge
Andrews	Eddins	Hines	Samford
Archer	Farmer	Jones	Shelton
Barnett	Gaither	Kendall	Turner
Berryman	Givhan	Leonard	Webb
Caffey	Godfrey	Moses	Wyatt
Clark			

—24

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee of Conference on the disagreement of the two Houses, on the Senate amendment to the bill, H. 162. Said report of said Conference Committee being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE ON H. 162

We, your committee of conference on the bill, H. 162, beg leave to report as follows:

We recommend that the Senate recede from its amendment to the bill and that the following substitute for the bill be adopted, to wit:

A BILL

TO BE ENTITLED

AN ACT

To alter, rearrange, and add to the limits of the City of Chickasaw, Alabama, and to alter and rearrange the limits of the City of Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama, and adding same to the limits of the City of Chickasaw, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Chickasaw, Alabama.

Be It Enacted by the Legislature of Alabama:

Section 1. The boundaries of the City of Chickasaw, Alabama, are altered, rearranged, and extended to include within the corporate limits of said City, the three parcels of land hereinafter described as "Parcel A", "Parcel B", and "Parcel C", and the boundaries of the City of Mobile are altered to exclude from within the corporate limits of said City the said land described as follows:

PARCEL A: A tract of land located partly in the South-West quarter of North-West quarter, partly in the West half of the South-East quarter and partly in the East half of South-West quarter of Section 20, Township 3 South, Range 1 West of the St. Stephens Principal Meridian, Mobile County, Alabama, having an area of 30.32 acres, more or less, and described as follows:

Begin at the southeast corner of said Section 20; thence in a northerly direction along the east boundary of said Section 20, 1281.0 feet to the north boundary of Second Avenue as shown by map of the Survey of North Mobile, made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in the office of the Judge of Probate of Mobile County, Alabama, in Deed Book No. 145 N. S. Pages 252 to 263, inclusive; thence in a westerly direction along the north boundary of Second Avenue as shown by said map 1818.4 feet to intersection with the west boundary of Fourth Street as shown by said map; said intersection being point of beginning of boundary of tract of land herein described; thence continuing in a westerly direction

along the north boundary of Second Avenue as shown by said map of North Mobile 800.0 feet to the southeast corner of Lot 1 in Block 2; thence in a Northerly direction along the east line of said Lot 1 in Block 2 140 feet to the northeast corner of said Lot 1 Block 2; thence west 50 feet to the northwest corner of said Lot 1 Block 2, thence south 140 feet to the southwest corner of said Lot 1 Block 2; thence south 50 feet to the northwest corner of Block 14 of said North Mobile; thence westerly along the south line of Second Avenue 350 feet to the northeast corner of Lot 10, Block 13 of said North Mobile; thence northerly along the east line and the extension thereof of Lot 2 Block 1 of said North Mobile and across an alley and along the east boundary of Lot 10 in said Block 1, 234 feet; thence turning an angle of 89 degrees and 55 minutes and 15 seconds to the left in a westerly direction 310 feet, more or less, to the center line of Eight Mile Creek; thence in a general northeasterly direction along and with the meanders of said center line of Eight Mile Creek to intersection with a northerly projection of the west boundary of Fourth Street as shown by said map of North Mobile; thence in a southerly direction along said projection and along west boundary of Fourth Street as shown by said map 1650.0 feet more or less, to point of beginning.

PARCEL B: Beginning at a point which is the intersection of the West line of the Southern Railway right of way and the Southern limits of the City of Chickasaw, thence run Westwardly along the Southern limits of the City of Chickasaw to the intersection with the East line of Craft Highway (at this point Craft Highway is sometimes known as Wilson Avenue), thence run Southwardly along the East line of Craft Highway to the intersection of the East line of Craft Highway with the East-West centerline of Section 28 T3S, R1W, which point is the Southwest corner of property of the School Board of Mobile County, and which point is also on the South line of North Mobile as shown by may of survey made for the North Mobile Development Company, Inc., by B. F. Bates, Civil Engineer, said map being recorded in Deed Book 145 N. S. page 252 of the Probate Court records of Mobile County, Alabama, thence along said East-West centerline of Section 28, T3S, R1W and the South line of North Mobile run Eastwardly 703.23 feet to a point, which point is 89.92 feet Westwardly from the ½ mile corner between Sections 27 and 28, T3S, R1W and which point is the Southwest corner of property of Ray Brooks Machinery Co., Inc., thence deflecting 103° 59' to the left run Northwardly along West line of Ray Brooks property 189.10 feet to a point, thence deflecting 62°51' to the right run Northeastwardly 50 feet to a point on the East line of a 50 foot right of way for railroad spur, thence along the arc of a curve which curves to the right and had a radius of 294 feet run Northwardly 140.08 feet to a point on the South line of property of Gaylord's formerly Arkell and Smith's, said arc being substended by a chord of 138.76 feet and which chord forms a deflection angle of 76°30' with the last described line, thence deflecting 103°39' to the right from an extension of said chord run Eastwardly along the line between Ray Brooks and Gaylord's 243.57 feet to a point in the center of the right of way of Telegraph Road, thence deflecting 89°15' to the right run Southwardly along the centerline of Telegraph Road 292.88 feet to a point, thence deflecting 75°36' to the left run Eastwardly along the North line of a 50 foot railroad right of way 51.07 feet to the P.C. of a curve to the right having a central angle of 36°22' and a radius of 401.42 feet, thence along the arc of said curve run Eastwardly 254.83 feet to a point which is the Southeast corner of the property of City Sales Company, thence from a line tangent to said curve deflect 36°00' to the left and run Eastwardly and parallel with the South line of North Mobile 253.60 feet to the West line of the Southern Railway right of

way, thence along the West line of the Southern Railway right of way run Northwardly to the point of beginning.

PARCEL C: Beginning at a point which is the intersection of the West line of U. S. Highway 43 and the North line of the present City limits of the City of Chickasaw, Alabama, thence run Northwardly along the West line of U. S. Highway 43 to a point which is the intersection of the West line of U. S. Highway 43 and the South line of Chickasabogue Creek; thence run Westwardly along the South line of Chickasabogue Creek to Eight Mile Creek; thence run Westwardly and Southwardly along the South and Eastern line of Eight Mile Creek to a point which is the intersection of the Eastern Line of Eight Mile Creek with the Northern line of the City Limits of the City of Chickasaw, Alabama; thence run Eastwardly and Southwardly along the limits of the City of Chickasaw, Alabama to the point of beginning.

Section 2. All territory included in the limits of Parcel B above, and all property having a situs within such territory, shall not be subject to assessment for ad valorem taxation by the City of Chickasaw for a period of ten years from the effective date of this Act. In fixing this exemption the Legislature is mindful that said territory and property situated thereon are wholly commercial in nature and it is the intent of the Legislature to extend this exemption for the benefit of the City of Chickasaw and any businesses or industry now situated or which may locate thereon, for the mutual advantage of both.

Section 3. Should any word, phrase, clause, section or part of this Act be held to be unconstitutional by any Court of competent jurisdiction, it shall not affect the remainder of this Act.

Section 4. This Act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law.

Will G. Caffey, Jr.

Douglas G. Webb

E. B. Haltom, Jr.

Conferees on part of the Senate.

Mylan R. Engel

Charles S. Trimmier

Conferees on part of the House.

And said bill:

H. 162. To alter, rearrange, and add to the limits of the City of Chickasaw, Alabama, and to alter and rearrange the limits of the City of Mobile, Alabama, by removing certain area from the limits of the City of Mobile, Alabama, and adding same to the limits of the City of Chickasaw, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Chickasaw, Alabama.

As amended by the report of the Committee on Conference was again read at length and passed by a vote of Yeas 74, Nays 0.

And said Report of the Committee on Conference is herewith sent to the Senate for its consideration.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE AND CONFERENCE REPORT

On motion of Mr. Haltom, the Senate concurred in and adopted the report of the Committee on Conference, appointed to reconcile the differences between the two Houses on the Senate amendment to the Bill, H. B. 162, the title of which and said Conference Report is set out in the foregoing Message from the House.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Green	Porter	
Andrews	Dumas	Haltom	Robison	
Archer	Eddins	Jones	Rutledge	
Barnett	Farmer	Kendall	Samford	
Caffey	Golson	Leonard	Webb	
Cooper	Graham	Moses	Wyatt	
Crawford				—24

Nays: —0

And said Bill, H. B. 162, as amended by the Conference Report, was again read at length and passed.

Yeas 24; Nays 0.

Yeas:

Messrs:	deGraffenried	Green	Porter	
Andrews	Dumas	Haltom	Robison	
Archer	Eddins	Jones	Rutledge	
Barnett	Farmer	Kendall	Samford	
Caffey	Golson	Leonard	Webb	
Cooper	Graham	Moses	Wyatt	
Crawford				—24

Nays: —0

RESOLUTION

Mr. Robison offered the following Senate Joint Resolution, to-wit:

S. J. R. 51. WHEREAS, Mr. Clarence C. Boutwell who is a talented artist, eighty-two years young, and the father of the esteemed presiding officer of the Alabama Senate, has painted two beautiful and original oil paintings and has graciously presented these products of his art to be hung in the office of the Lieutenant governor; and

WHEREAS, the rich colors of these Alabama landscapes lend added

distinction and complimentary beauty which are most appropriate to the dignity of appearance to the offices of this State; and now therefore

BE IT RESOLVED BY THE SENATE OF ALABAMA; THE HOUSE OF REPRESENTATIVES CONCURRING, that the Legislature heartily thanks Mr. Clarence C. Boutwell for this gracious gift of his art and hereby conveys to him its expression of deep appreciation for the spirit in which it was given.

On motion of Mr. Robison, the Rules were suspended and the Resolution was adopted by the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 14. To repeal Act No. 214, S. 169, approved July 21, 1953, entitled, "An Act relating to cities having a population of not less than 10,000 nor more than 12,000 inhabitants, according to the 1950 or any subsequent decennial census of the population of the United States; changing the time and method of electing and fixing the term of office of members of the board of commissioners of any such city" (Acts of Alabama 1953, vol. I, p. 281).

Also:

S. 604. To provide for the appointment, duties, qualifications, term, compensation and assistant of the coroner in counties having populations of not less than 150,000 nor more than 300,000, according to the most recent federal decennial census.

Also:

S. 605. To alter, rearrange and extend the boundaries of the City of Montgomery, so as to include within the corporate limits thereof certain additional territory in Sections 15 and 22, Township 16 North, Range 18 East, Montgomery County, Alabama.

Also:

S. 609. To amend the title and section 1 of Act No. 602, S. 622, approved September 4, 1951 (Acts of 1950-51, p. 1039) authorizing the making of settlements of paving tax assessments in all cities having a population of not less than 78,500 nor more than 200,000 inhabitants.

Also:

S. 610. To amend Section 151 of Title 52, Code of Alabama 1940, as amended, relating to city boards of education.

Also:

S. 612. To amend the title and section 1 of Act No. 285, H. 730, approved June 28, 1943, entitled "An Act To confer Power of Condemnation Upon Cities Which May Now or Hereafter Have A Population Of Two Hundred Thousand Or More Inhabitants According To The Last Or Any Succeeding Federal Census," (General Acts of Alabama 1943, p. 249).

Also:

S. 613. To amend the title and section 1 of Act No. 286, H. 731, approved June 28, 1943, entitled "An Act To Delegate To Cities Which May Now Or Hereafter Have A Population Of Two Hundred Thousand Or More Inhabitants According To The Last Or Any Succeeding Federal Census Unlimited Police Power For Exercise Through The Adoption Of Ordinances Having Application Within The Corporate Limits And Police Jurisdiction Thereof," (General Acts of Alabama 1943, p. 250).

Also:

S. 614. To amend the title and section 1 of Act No. 389, Regular Session 1935 (General Acts 1935, p. 847), an act relating to firemen's pension and relief funds in certain cities classified on a population basis, as amended and reenacted by Act No. 573, Regular Session 1939 (General Acts 1939, p. 910), and further amended and reenacted by Act No. 307, Regular Session 1943 (General Acts 1943, p. 264).

Also:

S. 615. To amend the title and Section 1 of Act No. 215, S. 278, approved July 24, 1947, entitled "An Act To provide, in any city of the State of Alabama having a population of 200,000 or more according to the last or any subsequent Federal Census, for the incorporation of an authority to lease, or own, or otherwise acquire and provide, control and operate fairgrounds, parks, exhibits, exhibitions and other installations, facilities and places for the amusement, entertainment, recreation and cultural development of the citizens of such city; to provide for the management of said authority by a board of directors; to provide for the appointment, and term of office and removal of said directors; to provide for the powers of such authority; to authorize the city to lease or sell and convey to the authority real or personal property; to provide for the terms and conditions on which said authority may conduct, operate, manage or promote amusements or recreational activities; to empower such authority to construct or acquire recreational facilities and installations for amusement; to empower the authority to borrow money and issue bonds and execute mortgages or other conveyances as security for money so borrowed; to authorize the city to make appropriations or to lend money to the authority; and to accord the authority exemption from State, county and city taxation," (General Acts of Alabama 1947, p. 81), as amended.

Also:

S. 616. To amend the title and Section 1 of Act No. 654, S. 587, approved September 19, 1949, entitled "An Act To authorize any and every city which may now or hereafter have a population of two hundred thousand or more inhabitants according to the last or any suc-

ceeding federal census to establish from time to time one or more park assessment districts within, or partly within and partly without, the corporate limits thereof and to provide or improve or provide and improve a public park within the corporate limits of such city in any such park assessment district and to assess all or any part of the cost of providing or improving or providing and improving such public park against all parcels of privately owned land in the park assessment district in which such public park is situated and which have been increased in value by reason of the special benefits derived from the provision or improvement or provision and improvement of such public park; to fix the rank of such assessment liens in relation to other liens; to provide for the collection and enforcement of such liens; to provide for the financing of the cost of providing or improving or providing and improving such public park; and to provide the manner in which such assessments and liens may be used in aid of such financing," Acts of Alabama 1949, p. 1009.

Also:

S. 617. To amend the title and Section 1.01 of Act No. 518, H. 908, approved September 3, 1953, entitled "An Act To provide a form of municipal government to be known as the council-manager form of government, which may be adopted by any city in the State of Alabama having a population of more than 200,000 according to the last or any succeeding Federal or municipal census; to provide the method by which any such city may adopt the council-manager form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the council-manager form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties, functions, powers and authority; to provide for the appointment and removal of a city manager and temporary city manager, and to provide the duties and authority of such officers; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the council-manager form of government; to make various other provisions for any such city which adopts the council-manager form of government and for the government thereof; and to provide for the means of abandoning the council-manager form of government and the adoption by the city of other forms of municipal government in lieu thereof," (Acts of Alabama 1953, vol. I, p. 652).

Also:

S. 618. To amend the title and section 1 of Act No. 434, H. 966, approved September 9, 1955, entitled "An Act To provide that in any election held for the purpose of authorizing a change in the form of government of any city with a population of 200,000 inhabitants or more according to the last or any succeeding federal census the electorate of such city shall be entitled to choose at such election between the Commission form of Government, the Mayor Council form of Government and the Council Manager form of Government; To provide for the ballots

to be used in any such election, the conduct thereof, the canvass of the vote, and the declaration and certification of the result," (Acts of Alabama 1955, vol. II, p. 980).

Also:

S. 619. To amend the title and section 1.01 of Act No. 452, H. 974, approved September 9, 1955 (Acts of 1955, p. 1004), providing a mayor-council form of government for all cities having a population of more than 200,000 inhabitants.

Also:

S. 624. Providing further for the compensation of members of the jury commission in counties having a population of not less than 24,550 nor more than 24,650 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

S. 633. To fix the supplemental salaries of circuit solicitors in judicial circuits in Alabama composed of one county where the population of such county exceeds 115,000 and is less than 135,000 according to the last preceding or any succeeding federal decennial census to be paid out of the county treasury of such counties.

Also:

S. 634. To regulate further the fees and costs which registers are entitled to in cases wherein divorce, alimony, maintenance or support is sought in the circuit court of all counties having a population of not less than 115,000 nor more than 135,000 inhabitants, according to the 1960 or any subsequent federal decennial census.

Also:

S. 639. Relating to counties having a population of not less than 80,000 nor more than 96,000 inhabitants, according to the last or any subsequent federal decennial census; prohibiting the sale of alcoholic beverages in certain places in such counties; prohibiting consumption of alcoholic beverages in certain places in such counties; providing that the Act shall not be construed as authorizing or legalizing the sale of alcoholic beverages at any other places in such county in which a majority of the qualified electors of the county voting at a referendum held for that purpose have voted that the county shall be a dry county; prescribing penaties for violations of the Act.

Also:

S. 640. To levy a privilege or license tax upon the sale, distribution, delivery, storage, or taking out of storage of beer, lager beer, ale, porter, near beer, or similar fermented malt liquor in counties having populations of not less than 80,000 and not more than 96,000 according to the last or any subsequent federal census; to fix the rate or amount of such tax; to provide that such tax shall be paid to the probate judge

and distributed by him; to prescribe the rate or basis of such division or distribution; to prescribe penalties and fix punishments for the violation of any of the provisions of said act; and to otherwise provide for the administration of said act.

Also:

S. 641. To alter, re-arrange and extend the boundaries of the Town of Maplesville.

Also:

S. 646. To create, establish and regulate an Inferior Court or County Court for the County of Montgomery; to provide and define the jurisdiction of said Court, and the terms thereof; to provide for the Judge and the officers of such Court, and their powers, duties and compensation; to fix the term of office for such Judge, and to fix the fees and costs for such Court; to provide rules of procedure for said Court, and for the operation thereof; and to provide for registering and a lien of its judgments.

Also:

S. 647. To amend, revise and re-enact Act No. 168, H. 287, approved March 15, 1939, as amended, an act creating an inferior court designated as the Court of Common Pleas of Montgomery (Local Acts of 1939, p. 87).

Also:

S. 651. To alter, rearrange, and extend the boundaries and corporate limits of the City of Haleyville, Alabama, a municipal corporation, so as to annex certain territory to the City.

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 2. Proposing an amendment of Section 178 of the Constitution of Alabama, which relates to the qualifications for voting, to change the residence requirements.

Also:

S. 39. To amend Section 8, Title 27, Code of Alabama 1940, relating to penalty for violation of provisions of adoption statue.

Also:

S. 90. To validate, in certain cases, municipal corporations attempted to be organized under the laws of Alabama and invalid because of any irregularity in the procedure for incorporation.

Also:

S. 91. To validate in certain cases elections heretofore held in municipalities or counties for the purpose of authorizing any special tax under the Constitution.

Also:

S. 92. To validate in certain cases elections heretofore held in municipalities or counties on the question of the issuance of bonds.

Also:

S. 132. To provide for and regulate general and special elections in the cities and towns of this state, except those cities and towns which have a commission form of government; designating the date for regular elections, and authorizing the municipal governing body to call special elections; prescribing the manner of giving notice of municipal elections, and of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting the votes, and making returns of elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Also:

S. 133. To provide for and regulate elections in the cities and towns of 300,000 population or less which have a commission form of government: designating the date for regular elections, and authorizing the board of commissioners to call special elections; prescribing the manner of giving notice of municipal elections, of designating voting places, and of appointing and compensating election officers; providing for the preparation of ballots and voting machines for such elections; prescribing the manner of casting ballots, counting votes, and making returns of

elections; providing for absentee voting at such elections; providing for and requiring a second or run-off election whenever no candidate receives a majority of the votes cast; designating certain acts and omissions relative to municipal elections as offenses and prescribing penalties therefor; prescribing the grounds on which such elections may be contested and the procedure for contests thereof; and providing that the costs of municipal elections shall be paid by the city or town holding such elections.

Also:

S. 137. To provide insulation from liability to banks, brokers, issuers, third parties and transfer agents who handle securities and security transactions with minors, unless such bank, broker, issuer, third party or transfer agent has written notice of minority prior to such transaction; to authorize payment of dividends on stock and other moneys to minors; and to prevent disaffirmance or avoidance of certain security transactions by a minor.

Also:

S. 138. To permit executors, administrators and trustees to acquire, hold and dispose of interests in partnerships and to form new partnerships, both general and limited, in a fiduciary capacity, and to limit the liability of such executors, administrators, and trustees so acting to the assets of such estate or trust.

Also:

S. 139. To establish the validity of bequests and devises made by will to the trustee or trustees of an existing trust.

Also:

S. 140. To amend Section 5 of Act No. 247, S. 69, approved July 29, 1953 (Acts of Alabama, 1953, p. 311) entitled "An Act relating to banks and banking; to provide for the retention and disposition of bank records, and for other purposes," as previously amended by Act No. 638, H. 713, approved November 19, 1959 (Acts of Alabama, 1959, p. 1554), in order to clarify said Act, as amended, so that it will be clear that the books and records referred to in Section 2 of said Act, as amended, may be reproduced and the originals destroyed in the same manner as in the case of other books and records.

Also:

S. 141. To amend Section 1 of Act No. 306, H. 253, approved July 7th, 1945 (General Acts of Alabama, 1945, page 499) entitled "An Act to relieve from the operation of any existing laws against perpetuities or suspension of the power of alienation of title to property a trust of real or personal property created by an employer as a part of the stock bonus plan, pension plan, disability or death benefit plan, or profit sharing plan for the exclusive benefit of some or all of the employer's employees" by further relieving such trusts from the operation of any existing laws against trusts for the accumulation of income, and by extending the coverage of said Act, as amended, to retirement trusts cre-

ated by self-employed persons, and to trusts created for the collective investment of the funds of any trusts within the coverage of this Act, as amended.

Also:

S. 142. Providing that the designation of beneficiaries of any trust set up for any group of employees shall be valid and that any trustee or other person may properly make payments to any person designated as a beneficiary of such a trust.

Also:

S. 143. Relating to the registration and transfer of securities by fiduciaries, and defining and limiting liability with respect thereto, and to make uniform the law with reference thereto, and to repeal Section 3 of Act 557, S. 174, approved July 7, 1943 (General Acts of Alabama, 1943, page 544) known as the Uniform Fiduciaries Act.

Also:

S. 213. To amend further Section 89, Title 36, Code of Alabama 1940, which limits the size and weight of motor vehicles and loads.

Also:

S. 242. To suppress traffic in obscene publications, defining terms, prescribing penalties, and providing enforcement procedures against residents or non-residents.

Also:

S. 246. To authorize Recorders in municipal courts to issue search warrants directed to municipal marshalls or policemen, and to provide the circumstances under which such search warrants may be issued.

Also:

S. 248. To regulate sentence to hard labor for nonpayment of costs; amending Section 342 of Title 15, and Section 84 of Title 45, Code of Alabama 1940, in relation to the per diem rate of working out costs.

Also:

S. 406. To repeal an Act entitled "Relating to cities having a population of not less than 125,000 nor more than 250,000, according to the last or any subsequent federal decennial census; fixing the compensation of the members of the city commission, council, or like governing body of any such city" approved September 6, 1957.

HUGH MOSES,

Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing report from the Committee on Enrolled Bills.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Steagall:

H. J. R. 118. WHEREAS, the 1st Medium Tank Battalion (Patton) 131st Armor with Headquarters Company at Ozark, and Company A at Headland, Company B at Hartford, Company C at Opp, and Company D at Brantly, has been ordered to active duty on October first;

WHEREAS, this is the first combat army unit of Alabama's National Guard to be called into active service because of the present crisis in World Affairs;

WHEREAS, an early call to duty is recognition of a National Guard unit's excellence; and

WHEREAS, this unit has already answered two previous calls to active duty, and now has the distinction of having been called into active service more than any other National Guard tank unit in the United States; now therefore,

BE IT RESOLVED BY THE LEGISLATURE, BOTH HOUSES THEREOF CONCURRING: That the Legislature of Alabama hereby commends the 1st Medium Tank Battalion (Patton) 131st Armor with headquarters at Ozark for its sustained record of excellence and hereby expresses on behalf of the people of Alabama and of the whole United States sincere appreciation for the faithful, loyal, and patriotic devotion to duty shown by the National Guardsmen comprising this unit.

Be It Further Resolved that a copy of this resolution be transmitted by the Clerk to the commanding officer of the Battalion and a copy thereof to the commanding officer of each of the companies comprising the 1st Medium Tank Battalion (Patton) 131st Armor; and to the Press of Alabama.

OAKLEY MELTON, JR.,

Clerk.

HOUSE MESSAGE

On motion of Mr. Archer, the Rules were suspended and the Resolution, H. J. R. 118, set out in the foregoing Message from the House was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 859. To create and establish the Tennessee-Mulberry Waterway Commission for the purpose of promoting the development of a waterway system in the State of Alabama connecting Guntersville Lake on the Tennessee River with Bankhead Lake on the Warrior River, utilizing Mulberry Fork and Brown's Creek as parts of the water route so developed; providing for the appointment and compensation of members of the commission; prescribing their powers and duties; prescribing the manner in which such a commission can be dissolved; and to make appropriations.

Also:

H. 1106. Relating to vocational trade schools; authorizing, directing, and requiring the state board of education to provide for the establishment, maintenance and operation of a trade school for negroes at Gadsden.

Also:

H. 198. To further amend Title 29, Chapter 1, Section 5, Code of Alabama 1940, as amended, which relates to functions, duties and powers of Alabama Alcoholic Beverage Control Board.

Also:

H. 324. To provide for painting stripes along the outer edges of public roads and highways.

Also:

H. 1465. To amend Act No. 122 of the Legislature of Alabama of 1955, approved July 8, 1955, (Acts of Alabama of 1955, page 366, et seq.)

Also:

H. 1496. To amend the title and Sections 1, 3, 5, 9 and 10 of Act No. 529, General Laws of Alabama, approved September 2, 1949 (Acts of Alabama, 1949 page 827 et seq.) entitled, "An Act To apply in all counties of this State having a population of not less than 140,000 according to the last or any subsequent Federal census and to provide for the protection of public health and safety in such counties by requiring persons to establish their competency as plumbers before doing or supervising plumbing in said counties in this State; to create a board to be known as the Plumbers Examining Board; to define plumbing, master plumbers, journeymen plumbers and subjects related to plumbing; to provide for the appointment of the members of said Plumbers Examining Board and their term of office; to provide for the payment of compensation to the members of said Board and the employees thereof,

and to provide for the payment of expenses incurred by the members of said Board and its employees; to define the powers conferred upon and duties imposed upon said Board; to provide funds for the maintenance, operations and functions of said Board; to provide for the examination and certification of master plumbers and journeymen plumbers; to provide for the payment of examination fees and certificate fees; to empower the said Board to revoke certificates; to provide for appeals from the ruling of the Board; to provide for the execution and filing of bonds by plumbers; to provide for the collection, handling and disbursement of monies and funds received as fees by said Board; and to provide penalties for the violation of this Act," as heretofore amended.

Also:

H. 138. To authorize the formation of unincorporated associations for the purpose of rendering professional service; to prescribe the manner of organization of such association; to require recording of articles of association in the office of the probate judge; to restrict the professional services to be rendered by the association to the specific kind of profession for which the association is formed; to limit membership in or shareholders of the association to persons qualified and licensed to practice such profession; to require that professional services furnished by the association be rendered only through agents duly licensed to practice such profession; to authorize associations to employ non-professional personnel for non-professional duties; to provide that present provisions of laws shall govern with respect to professional liability of members furnishing professional service; to preserve confidential relationships and to limit liability of members or shareholders; to provide for centralized management by a board of governors who may or may not be members or shareholders and for election of officers; to provide that a professional association shall be a separate entity independent of its members or shareholders and may contract, hold title to real and personal property, invest its funds in real estate, mortgages, stocks and bonds, sue and be sued as an independent entity; to provide for valuation of shares, and transfer of membership or shares; to provide that professional associations may issue stock or certificates as evidence of ownership of assets in a stock-type organization, or that the association may be a non-stock organization; to provide for filing of annual reports with the Secretary of State; to authorize the Attorney General to dissolve an association violating certain provisions of this act; to provide that Article 8, Chapter 4, Title 7, Code of Alabama 1940, and laws relating to corporations generally, not in conflict herewith, shall govern professional associations; and to repeal conflicting laws.

Also:

H. 637. To propose an amendment to the Constitution of Alabama to provide for the continuity of the Legislature of the State of Alabama and the representation therein of the political subdivision of the State, in the event of an attack by an enemy of the United States.

Also:

H. 636. To provide for continuity of state and local government in the event of an attack by an enemy of the United States.

Also:

H. 200. To amend Sections 1, 2, 6 and 9 of Act No. 343, approved August 20, 1957, entitled "An Act To provide further for the execution of certain public contracts, providing for competitive bidding on certain public contracts for labor, services, or work, or for the purchase of materials, equipment, supplies, or other personal property, made by or on behalf of any state department, board, bureau, commission, committee, institution, corporation, authority, or office and prescribing penalties."

Also:

H. 197. To provide for enforcement of competitve bidding and other requirements relative to letting and execution of contracts for public works or improvements.

Also:

H. 1489. To propose a constitutional amendment relative to levying additional taxes in Clarke County for public school purposes.

Also:

H. 17. To make annual appropriations for the support, maintenance, and development of public education in Alabama for each of the fiscal years ending September 30, 1962 and September 30, 1963, including all schools, agencies, services and institutions under the general or direct control or subject to the rules and regulations of the State Board of Education, the Board of Trustees of Alabama College, the Board of Trustees of Auburn University, the Board of Trustees of the University of Alabama, the Board of Trustees of the Alabama Institute for Deaf and Blind, the Board of Trustees of the Alabama Boys Industrial School, the Board of Trustees of the Alabama Industrial School for Negroes, the Board of Trustees of the State Training School for Girls, the Alabama Educational Television Commission, and for the Teachers' Retirement System.

Also:

H. 1417. To fix the compensation or salary of the President and members of the County Commission, or other governing body, of all counties having a population of six hundred thousand (600,000) or more according to the last or any subsequent federal census. To provide for the manner of payment thereof and to repeal all laws in conflict herewith.

Also:

H. 1082. To further provide for the collection of the sewer rentals or sewer service charges levied under the provisions of Act No. 619 of the Legislature of Alabama of 1949 (Acts of 1949, Pages 954 to 963 inclusive), by imposing the duty to collect such charges upon any City, Town, Water Board or other public corporation owning or operating any water distribution system serving three or more parcels of real property in Jefferson County, Alabama; to provide the compensation to any such Water Works Board for making such collections and to further regulate the method or methods for collection and the disposition of the collections and the reports; and to repeal all portions of any Act in conflict herewith.

Also:

H. 1418. To provide for and fix the salaries of members of the commission or board of commissioners (including the president of such commission or board) of each city in the State of Alabama having a population of three hundred thousand or more inhabitants according to the last or any succeeding federal census, and to fix the time and regulate the mode of payment of such salaries; To provide that this act shall become effective on the first Monday of November, 1961.

Also:

H. 1122. Requiring Communists, Nazis and Muslims and known members of Communist-front organizations to register with the department of public safety, and prescribing penalties.

Also:

H. 816. To alter, rearrange and extend the boundaries of the City of Bessemer, Alabama, so as to include within the corporate limits thereof certain additional territory in Section 34, Township 18 South, Range 4 West, Jefferson County, Alabama.

Also:

H. 1026. To amend further Act No. 128, S. 120, Regular Session 1949, entitled "An Act to provide for the service of process in civil suits upon non-residents of the State of Alabama and providing that any non-resident person, firm, partnership, general or limited, or any corporation not qualified under the constitution and laws of this State as to doing business herein shall be deemed to have appointed the Secretary of State, or his successor or successors in office, to be the true and lawful attorney or agent of such non-resident, upon whom process may be served; and for other purposes" (Acts of Alabama 1949, p. 154).

Also:

H. 1493. To regulate further the conduct of elections in all counties in Alabama having a population of five hundred thousand (500,000) inhabitants or more, according to the last or any subsequent census.

Also:

H. 1494. To amend Act No. 530, H. 1096, Regular Session 1959, an act relating to the reidentification of qualified electors in counties having populations of 500,000 or more (Acts of Alabama 1959, vol. 2, p. 1305).

Also:

H. 22. To make an appropriation to the State Superintendent of Education for the purpose of contracting with Tuskegee Institute for undergraduate and graduate instruction of Alabama residents in engineering, veterinary medicine, nursing, home economics and agriculture.

Also:

H. 20. To make an appropriation for the support and maintenance of the Southern Industrial Institute.

Also:

H. 383. To amend Section 33 of Title 8, Code of Alabama, which relates to non-resident trip hunting license to increase the penalty therefor.

Also:

H. 466. To provide for an additional judge of the Thirteenth Judicial Circuit of Alabama.

Also:

H. 485. To make an appropriation for the relief of J. E. Rutherford.

Also:

H. 677. To amend Section 186 of Title 13 of The Code of Alabama of 1940 to increase pay of bailiffs.

Also:

H. 1116. Making an appropriation from the state treasury for the relief of Barney Davis of Foley, Alabama.

Also:

H. 1212. Relating to Patents to Public Lands.

Also:

H. 1269. Relating to Mobile County: To fix the compensation of the register of the circuit court of Mobile County.

Also:

H. 1270. Relating to Mobile County: To fix the compensation of the clerk of the circuit court of Mobile County.

Also:

H. 1400. To propose and provide for the submission of an amendment to the Constitution of Alabama amending Section 235 of said Constitution, which section pertains to and provides for the exercise of the right of eminent domain, the taking of property for public use, and the payment of just compensation for property taken, injured or destroyed or applied to public use.

Also:

H. 1425. To provide for the compensation to be paid the Deputy

Circuit Solicitor who is elected by the people in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

Also:

H. 606. To make an appropriation for the support and maintenance of the R. C. Burns Hope Haven School for Retarded Children and the Tuscaloosa Opportunity School for Retarded Children at Tuscaloosa, Alabama.

Also:

H. 1523. To regulate further the construction, operation and maintenance of public high schools in St. Clair County.

Also:

H. 929. To provide further for the operation of the office of tax collector in all counties in this state having populations of not less than 20,000 nor more than 21,000; and providing for the appointment of a temporary tax collector in the event there is a vacancy in the office of tax collector for such county.

Also:

H. 1225. To authorize and permit teachers, who have retired under the terms of the Teacher Retirement Act of Alabama, when they are physically and mentally able to do so, in the opinion of the employing authority, to perform duties as substitute teachers in the public elementary and high schools, and to earn not more than twelve hundred dollars per year, as such substitute teacher, without affecting their status under the Retired Teacher's Act of Alabama.

Also:

H. 1491. To vacate and hold for naught that certain dedication to the use of the public, as a park, driveway and pleasure ground forever, to certain real estate in the City of Geneva, Alabama, conveyed by D. H. Morris and others to Geneva County, Alabama, and by Geneva County, Alabama to the City of Geneva, Alabama, and to vest fee in City of Geneva, Alabama.

Also:

H. 1541. Relating to the management of public records now on hand and required by law to be kept by the Circuit Court of Mobile County, Alabama, and the subdivisions thereof, and which may in the future be required to be kept by such Court; providing for the photographing or microfilming or other permanent reproduction of such public records kept and required to be kept by such Court, and providing that such reproduced copies shall constitute the official records of such Court and further providing copies made from such reproduced records will be admissible in evidence; and for the defrayment of the costs of such reproduction of such records, and the costs of equipment, supplies and per-

sonnel required for the maintenance, use and operation of such records by such Court after such reproduction has been completed.

Also:

H. 1424. To provide for the compensation to be paid the Assistant Deputy Circuit Solicitor in counties having a population of 500,000 or more according to the last or any subsequent decennial federal census.

Also:

H. 718. To make appropriations from the state treasury for support and maintenance of The Marion Institute, located in Perry County.

Also:

H. 1195. To make appropriations to the Cahaba Historical Commission and provide for the use thereof.

Also:

H. 208. To amend further Code 1940, Title 41, Section 152, in relation to maximum salaries or compensation payable to officers and employees of the State of Alabama.

Also:

H. 1483. To alter or rearrange the boundary lines of the City of Fairhope, Baldwin County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Baldwin County, Alabama, and to provide that the property annexed to the City of Fairhope be exempted from all municipal ad valorem taxes until the following municipal services are rendered said area, to-wit:

Police protection, fire protection, City planning and zoning, garbage collection, gas and water service shall be rendered to the property owners and persons residing therein or made available to them.

And, to require the County of Baldwin to continue to maintain the streets and roads in such added territory until such time as the same is assessed for taxation by the City of Fairhope.

Also:

H. 737. To provide an additional method for the mortgaging of livestock and poultry, and such as may be thereafter acquired, whether or not in actual or potential existence at the time of the execution of the mortgage, and to provide how such livestock and poultry may be described.

Also:

H. 19. To make an appropriation for the support and maintenance

of the Walker County Junior College, located at Jasper, in Walker County, Alabama.

Also:

H. 1486. To alter, re-arrange and extend the boundary lines of the Town of Cedar Bluff, in the County of Cherokee, State of Alabama, so as to include within the corporate limits of said town all territory within the existing corporate limits and certain other territory in Cherokee County, Alabama.

Also:

H. 1504. To alter or rearrange the boundary lines of the City of Arab, Marshall County, Alabama, so as to include within the corporate limits of said City all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

H. 1113. To authorize and provide for the establishment, maintenance, and operation of a junior college to be located in Franklin, Marion, or Winston County; to create a board of trustees to govern such college; to authorize the board of trustees to select the location for such college, name it, appoint a president and certain other officers therefor, and prescribe rules and regulations to govern the college; to constitute the college a body corporate upon compliance with certain conditions; to authorize the board of trustees to accept gifts, donations, devises, and bequests; and to buy, hold, sell or otherwise dispose of real and personal property for and in the name of the college; to authorize the governing bodies of Franklin, Marion, and Winston Counties and of each incorporated municipality in any of such counties to make appropriations of public funds in aid of the college; to authorize the board of education of each of these counties and the board of education of any incorporated municipality in these counties to use public school funds in aid of such college and to provide transportation and certain other facilities to students attending the college; to exempt from taxation the property of the college; to exempt officers and employees of the college from certain civil duties and from certain municipal privilege licenses; and to make an appropriation from the special educational trust fund for the purpose of effectuating this Act.

Also:

H. 1319. Relating to the levy of additional taxes for certain purposes in all counties having a population of 45,000 or less inhabitants according to the 1960 or any subsequent federal decennial census; authorizing the court of county commissioners, board of revenue, or other like governing body of such counties to levy, when approved at a referendum election, special county privilege license and excise taxes paralleling state sales and use taxes as provided for in Act No. 100, H. 94, approved August 18, 1959, and Article 11 of Chapter 20, Title 51, Code of Alabama 1940, as heretofore amended and supplemented; providing for collection and enforcement of such taxes by the state department of revenue.

Also:

H. 797. So amend Sections 1(a), 3 and 4 of Act No. 981, H. 817, approved September 12, 1951 (Acts of Alabama 1951, page 1655) entitled "An Act relating to criminal sexual psychopathic persons; providing for the commitment and treatment of such persons after their conviction of a sex offense, and prescribing the procedure therefor; and providing for the further disposition of such persons."

Also:

H. 1411. To require disaster preparedness in the schools and educational institutions in each County in the State having a population in excess of 500,000 according to the last or any subsequent Federal decennial census.

Also:

H. 665. To regulate further the execution of certain contracts for public works; requiring contractors to use domestic products in public works projects.

Also:

H. 57. To amend Act No. 261, H. 37, Regular Session 1957, an act levying a documentary tax or transfer fee upon leases and instruments creating or transferring mineral interests (Acts of Alabama 1957, vol. I, p. 332).

Also:

H. 247. To amend Act No. 730, S. 528, approved September 20, 1957 (Acts of Alabama 1957, page 1136) which relates to the use outside their corporate limits of municipal fire fighting equipment and personnel by certain towns.

Also:

H. 719. To authorize the president, the first vice-president and the secretary of the Alabama State Bar to organize and incorporate a public corporation for the purpose of acquiring, providing and constructing a building or buildings for the Alabama State Bar; to specify that the name of such public corporation shall be Alabama State Bar Foundation or other similar name; to specify the procedure by which such public corporation shall be organized; to authorize the Secretary of State to issue a certificate of incorporation when such procedure has been accomplished; to provide for the Board of Trustees and officers of such corporation; to grant to such public corporation all necessary and desirable powers, including the power to lease and make available to the Alabama State Bar all or any part of the space in any of its buildings, with or without the payment of rental; to exempt such corporation, and documents to which it is a party, from all taxation in the State of Alabama; to authorize the conveyance by the State of Alabama to such corporation of a parcel of land adjacent to the Judicial Building in the City and County of Montgomery, Alabama, without the payment of any pecuniary consideration but upon the undertaking by such corporation to construct thereon a building for the state bar uses described in the act; to provide that if said land ever ceases being used for any of the purposes described in the act, title thereto shall revert to the state; to authorize the Board

of Commissioners of the Alabama State Bar to disburse and pay to such corporation, for the construction and erection of such building or buildings, all or any part of the moneys appropriated to the Alabama State Bar; and to provide that such corporation shall be a non-profit public corporation.

Also:

H. 1292. To amend Section 348, Title 51, Code of Alabama, 1940, and to repeal all laws and parts of laws, general or special, in conflict herewith.

Also:

H. 891. To authorize the State Board of Agriculture and Industries to establish a program for the prevention, control and eradication of brucellosis or bangs disease in cattle and to prescribe the powers, authority and duties of the Commissioner of Agriculture and Industries and the State Veterinarian relative thereto; to authorize the State Board of Agriculture and Industries to prescribe methods and procedures for calfhood vaccination against brucellosis together with other methods and procedures for testing and vaccinating cattle for the control and eradication of such disease; to authorize the State Board of Agriculture and Industries to adopt rules and regulations for a brucellosis disease control and eradication program and to prescribe a penalty for violations thereof; to repeal Act No. 410 of the Legislature of 1947, approved September 25, 1947 (General Acts of 1947, page 298).

Also:

H. 1216. To amend Title 37, Sections 404, 426, 428, 429, 456 and 457, of the Code of Alabama 1940, as heretofore amended, relating to the election of mayor and aldermen and the legislative functions of municipal councils.

Also:

H. 694. To amend Section 344 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to make further provisions respecting the sale of bonds by a municipality with respect to an undertaking that is leased or is to be leased by the municipality to an agency or department of the State of Alabama.

Also:

H. 1276. To name the state vocational trade school located in Montgomery County the "John M. Patterson Trade School."

Also:

H. 695. To amend Section 342 of Title 37 of the Code of Alabama of 1940, as heretofore amended, so as to provide that any undertaking which a municipality is authorized to acquire, construct, reconstruct, improve, better or extend under the provision of said section may be leased by the said municipality to any agency or department of the State of

Alabama; and so as to authorize any municipality to charge and contract for and collect rentals for any undertaking or part thereof that may be so leased by the municipality.

Also:

H. 1305. To authorize the incorporation in any municipality in this state of one or more public corporations for the primary purpose of providing public library facilities for lease to the respective municipalities in which such corporations are organized; to provide for the election of the directors and officers of each such corporation; to specify its powers and capacities, including the exercise of the power of eminent domain; to authorize such corporation and the municipality in which it is organized to enter into leases covering projects of such corporation and to specify requirements respecting such leases; to provide that the rentals payable and the obligations created by such municipality in any such lease shall be general obligations of the municipality for which its full faith and credit may be pledged but shall be payable solely out of the current revenues of the municipality for the fiscal year during which such rents are payable and during which such agreements are required to be performed; to authorize the sale and issuance by such corporation of interest bearing revenue bonds payable solely out of the revenues from the project with respect to which they are issued; to specify provisions of said bonds and to declare them to be negotiable instruments; to authorize the issuance of refunding revenue bonds; to provide that such bonds shall be secured by a pledge of the revenues out of which they shall be payable and by a pledge of the lease from which the revenues so pledged shall be derived, and may be secured by a nonforeclosable mortgage on the project from which the revenues so pledged shall be derived; to specify the use to which the proceeds of said bonds may be put; to provide for remedies in the event of any default in any such bonds or under any such lease; to authorize the investment of funds of the corporation not presently needed; to exempt from taxation the properties of the corporation and the income therefrom, the said leases, the said bonds and the income therefrom, and the said mortgages; to provide that said bonds shall be legal investments for fiduciaries, savings banks and insurance companies; to authorize the investment of idle and surplus funds of the municipality in said bonds; to authorize the publication of notice of the adoption of the resolution authorizing said bonds and providing a short statute of limitations for the institution of actions and the making of defenses respecting the validity of said bonds, pledge, mortgage and lease; to authorize the conveyance to said corporation, with or without monetary consideration, of properties owned by the municipality whether or not necessary for the conduct of governmental or other public functions of the municipality; to provide for the vesting in the municipality of title to each project of said corporation upon payment of all bonds issued with respect to such project; and to provide for the dissolution of said corporation.

Also:

H. 191. To amend Section 613 of Title 51, Code of Alabama 1940.

Also:

H. 162. To alter, rearrange, and add to the limits of the City of Chickasaw, Alabama, and to alter and rearrange the limits of the City of Mobile, Alabama, by removing certain area from the limits of the City

of Mobile, Alabama, and adding same to the limits of the City of Chickasaw, Alabama, and to describe the area so removed from the City of Mobile, Alabama, and so added to the City of Chickasaw, Alabama.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill and House Joint Resolution, your signature thereto is requested.

H. J. R. 118. Relative to commending the 1st Medium Tank Battalion (Patton) 131st Armor with headquarters at Ozark.

Also:

H. 686. To amend Sections 3 (1), 6, 14, 16, 19 and 20 of Act No. 576, Acts of Alabama 1959, page 1442, Volume 2, entitled, "An Act Relating to the registration of vessels and their operation on the waters of this State and providing for water safety; providing for definitions; registration and identification of vessels used on the waters of this State by the Conservation Department of this State; the enforcement of this act; duties of the director of the State Department of Conservation; fee schedule for vessel registration; term of certificates and registration; establishment of a numbering and identifying system in compliance with Federal Boating Act of 1958 and any subsequent amendment thereto; prohibiting vessel operation when unnumbered; establishing exemptions from numbering provisions; requiring safety equipment; requiring records to be kept by boat liveries; requiring accident reports to be filed with Conservation Department; certain operations of vessels prohibited; prohibition by local regulation of water safety; granting rule making authority to Director of Conservation with limitations as set out in this act; the establishment of license fees on vessels and providing penalties for violation of the provisions of this act; providing for an appropriation of $32,500.00 to the Department of Conservation for the administration of the provisions of this Act and for the transfer of certain monies to the Administrative Division of the Department of Conservation; to provide for the appointment of special agents to sell boat licenses; to repeal all laws in conflict with the provisions of this Act."

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILL AND HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after

the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution; the titles of which are set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 423. To make an appropriation for each of the two fiscal years ending September 30, 1962 and September 30, 1963 to establish, conduct and maintain a swine disease diagnostic laboratory.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill; the title of which is set out in the foregoing message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolution, your signature thereto is requested.

H. J. R. 99. Relative to creating a commission to study and report to the Legislature with respect to the merit system for public employees in Jefferson County.

OAKLEY MELTON, JR.,

Clerk.

SIGNING OF HOUSE JOINT RESOLUTION

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolution; the title of which is set out in the foregoing message from the House.

REPORT OF COMMITTEE ON ENROLLED BILLS

Mr. President:

Your Standing Committee on Enrolled Bills begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively and finds same correctly enrolled, to-wit:

S. 632. Proposing an amendment to the Constitution of Alabama relative to the board of trustees of Auburn University.

Also:

S. 628. To propose an amendment to the Constitution of Alabama authorizing the school districts in Jefferson County to levy and collect, subject to a vote of the qualified electors therein, special district property taxes for the support of education.

Also:

S. 591. Proposing a constitutional amendment relative to levying and collection of additional property taxes in Talladega County for public school purposes.

Also:

S. 529. To propose an amendment to the Constitution of Alabama authorizing certain funds derived from the school taxes levied in Calhoun County pursuant to the provisions of that certain amendment to the Constitution proposed by Act No. 587 enacted at the 1947 Regular Session of the Legislature of Alabama to be used for public school purposes generally; authorizing the refunding of any bonds now outstanding or hereafter issued under the provisions of said amendment or of the amendment proposed hereby; authorizing the issuance of bonds for the combined purposes of so refunding any such bonds and acquiring, constructing and improving public school buildings; providing that any bonds issued under said amendment or under the amendment proposed hereby shall be negotiable instruments and legal investments for trust funds; and providing that bonds may be issued under the amendment proposed hereby without a further election and without being chargeable to the constitutional debt limit of the issuing political subdivision.

Also:

S. 326. To propose an amendment to the Constitution of Alabama relating to revenue securities issued by or on behalf of any State school or institution of learning.

HUGH MOSES,

Chairman.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate

Bills and Senate Joint Resolutions delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. B. 477 Delivered to the Governor August 25, 1961, at 10:25 A.M.

S.J.R. 38 Delivered to the Governor August 25, 1961, at 10:25 A.M.

S.J.R. 39 Delivered to the Governor August 25, 1961, at 10:25 A.M.

S.J.R. 41 Delivered to the Governor August 25, 1961, at 10:25 A.M.

S. B. 404 Delivered to the Secretary of State August 25, 1961 at 10:22 A.M.

S.J.R. 42 Delivered to the Governor August 28, 1961, at 8:20 A.M.

S. B. 162 Delivered to the Governor August 28, 1961, at 8:20 A.M.

S. B. 8 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 9 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 10 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 11 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 12 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 30 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 31 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 5 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 6 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 7 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S.J.R. 45 Delivered to the Governor August 31, 1961, at 12:03 P.M.

S. B. 55 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 106 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 156 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 300 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 144 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 173 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 174 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 184 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 13 Delivered to the Governor September 1, 1961, at 5:30 P.M.

S. B. 15 Delivered to the Governor September 1, 1961, at 5:30 P.M.

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S. B. 235 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 236 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 294 Delivered to the Secretary of State September 1, 1961, at 5:30 P.M.
S. B. 315 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 317 Delivered to the Governor September 1, 1961, at 5:30 P.M.
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S. B. 336 Delivered to the Governor September 1, 1961, at 5:30 P.M.
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S. B. 481 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 483 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S.J.R. 48 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S.J.R. 49 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 376 Delivered to the Governor September 1, 1961, at 5:30 P.M.
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S. B. 517 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 526 Delivered to the Governor September 1, 1961, at 5:30 P.M.
S. B. 2 Delivered to the Secretary of State September 5, 1961, at 9:10 A.M.
S. B. 39 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 90 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 91 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 92 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 132 Delivered to the Governor September 1, 1961, at 10:50 P.M.

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S. B. 143 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 213 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 242 Delivered to the Governor September 1, 1961, at 10:50 PM.
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S. B. 633 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 634 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 639 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 640 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 641 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 646 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 647 Delivered to the Governor September 1, 1961, at 10:50 P.M.
S. B. 651 Delivered to the Governor September 1, 1961, at 10:50 P.M.

S. B. 628 Delivered to the Secretary of State September 25, 1961, at 9:55 A.M.

S. B. 326 Delivered to the Secretary of State September 25, 1961, at 9:55 A.M.

S. B. 591 Delivered to the Secretary of State September 25, 1961, at 9:55 A.M.

S. B. 529 Delivered to the Secretary of State September 25, 1961, at 9:55 A.M.

S. B. 632 Delivered to the Secretary of State September 25, 1961, at 9:55 A.M.

J. E. SPEIGHT,

Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

REPORT OF COMMITTEE ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Revision of the Journal begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Thirty-sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

DENNIS PORTER,

Chairman.

COMMITTEE REPORT

On motion of Mr. Porter, the foregoing report was concurred in and the Journal of the Senate for the Thirty-sixth Legislative Day was approved by the Senate.

ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. Golson, the Senate adjourned Sine Die.

ALBERT BOUTWELL

Lieutenant Governor and President

and Presiding Officer of the Senate.

ATTEST:

J. E. SPEIGHT

Secretary of the Senate

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Governing body, compensation of members—
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CITIES 57,000 TO 127,000 POPULATION

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CITIES 100,000 TO 200,000 POPULATION

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COUNTIES 22,350 TO 24,500 POPULATION

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COUNTIES 29,350 TO 30,350 POPULATION

Circuit clerk, clerical assistance—
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